

**Members Present:** President Joe Krapohl, Secretary Bill Lucas, Vice President Jim Washington, Commissioners Jeff Wright, Ted Henry, Mike Keeler and Archie Bailey, Patrick Gleason arrived at 10:40 a.m.

**Members Absent:** Cloyce Dickerson, Ron Winters

**Staff Present:** Amy McMillan, Director; Ron Walker, Deputy Director; Leisa Gagne, Finance Officer; Nancy Edwards, Program Specialist, Deborah Wilkes, Secretary

**Others Present:** Brian Barkey, Legal Counsel; Joe Madore, Richfield Twp. Supervisor; Julie Brandon, Carol Hinterman, Eleanor Riegle.

**Call to Order.** President Krapohl presided over the meeting and called meeting to order at 10:05 a.m.

**1) Opportunity for the public to address the commission.** President Krapohl asked if there is anyone wishing to address the Commission. Per commission rules each person shall have three minutes in which to address the commissioners.

Eleanor Riegle of Coldwater Road inquired about whether the Gale Road entrance to Richfield County Park could be reopened. It was closed over 20 years ago and she believes many of those residents who wanted it closed would no longer live there and it is also a safety issue that vehicles can get in and out of such a large park with just one exit. She would like to get her car in there without driving around to the only entrance. President Krapohl stated that Ms. McMillan will address the question during the Director's report.

**2) Consent Agenda.** Discussion: President Krapohl asked if any commissioners wished to remove any items from the consent agenda. Commissioner Henry asked to remove the minutes and Staff Status Report.

**Action Taken:**

Motion by Commissioner Lucas  
Supported by Commissioner Washington

**Motion and support for approval of consent agenda items C-D as listed.**

**Roll Call**

**Yeas:** Krapohl, Henry, Wright, Bailey, Keeler, Lucas, Washington

**Nays:** None

**Absent:** Dickerson, Winters and Commissioner Gleason arrived at 10:40 and missed this vote.

**MOTION CARRIED 7-0**

**4) Report from Legal Counsel.** Legal Counsel has no items to report today.

## 5) **Director's Report.**

**A. DNR Fisheries Update.** Electronic conversations with the DNR fisheries division regarding status of the fishing on the Holloway Reservoir show varied from large fish caught to annual tournaments being cancelled due to low fish catches. We will be watching the fishing as the DNR expects larger fish taken from the Reservoir. One theory to improve the fishing would be to reduce the number of channel catfish. Our Recreation Programmer is working to organize a service program in the form of a catfish tournament. They aren't that great to eat, but make great fertilizer. The commission will be kept posted. The fish live a long life and grow very large and eat the smaller game fish. At this time we are not on the DNR list to be restocked with game fish due to the health of the fishery not meeting the standards to restock.

**B. Request to Appoint Budget Sub-committee members.** President Krapohl will appoint members under new business. We'll start with the worst case scenario that we started with last year. We have also started the process of a grant request from the C.S. Mott Foundation.

**C. Request to move May 26 meeting to For-Mar Visitor's Center.** After the meeting we'd like to dedicate the new pedestrian bridge funded by the C.S. Mott Foundation.

### **Action Taken:**

Motion by Commissioner Henry  
Supported by Commissioner Washington

### **Motion and support for approval to move the May 26 meeting of the Parks Commission to For-Mar Nature Preserve and Arboretum Visitor's Center at 10:00a.m.**

**Yeas:** All ayes

**Nays:** None

**Absent:** Dickerson, Winters and Gleason (Commissioner Gleason arrived late and missed this vote)

### **MOTION CARRIED**

**D. Restroom at Buttercup Beach.** Upon the request of the commission the Request for Proposal was re-bid. We did not receive any bid for a site built building and we received one bid for a pre-cast concrete building, actually the identical bid we received the first time it was put out for bid.

Commissioner Henry asked: what did we anticipate the cost of the project would be before it was bid?

Ms. McMillan said that the bid was right about the amount we anticipated.

Commissioner Wright confirmed that we bid it once before and how did the price compare to that first bid?

Commissioner Keeler asked where the company was from.

Ms. McMillan said they are from Florida.

**Action Taken:**

Motion by Commissioner Lucas  
Supported by Commissioner Henry

**Motion and support to accept and award bid for a restroom at Buttercup Beach to Concrete Modular Systems, Inc. in the amount of \$129,677.29.**

**Roll Call:**

**Yeas:** Keeler, Lucas, Wright, Washington, Henry, Bailey, Krapohl

**Nays:** None

**Absent:** Dickerson, Winters and Gleason (Commissioner Gleason arrived late and missed this vote)

**6) New Business.** Ms. McMillan said we will address the consent agenda at this time and there will be a response to Ms. Riegler's question and then Joe Madore will address the commission regarding the Richfield Landfill.

**A. Consent Agenda:** Commissioner Henry wanted to clarify page 3 of the minutes to reflect that when he asked about "how detailed the information would be", he was referring to the survey data from Red Frog.

He also asked for a correction on the status report from the Chief Ranger to reflect the correct amount of warrants cancelled to four.

**Action Taken:**

Motion by Commissioner Wright  
Supported by Commissioner Washington

**Motion and support to accept the minutes from April 28, as corrected.**

**Yeas:** All ayes

**Nays:** None

**Absent:** Dickerson, Winters and Gleason (Commissioner Gleason arrived late and missed this vote)

Please note that the changes will be made to the information from the Ranger Division staff report as well.

**B. Gale Road Closure.** Ms. McMillan addressed the concerns of Mrs. Riegler. She stated that the gate has been closed for at least 20 years. It was closed at the request of the residents that lived on that road and she believes Richfield Township may have concurred with that action as well. It has only been opened for special events and that is with the consent of those residents as well. When the bridge just north of Richfield County Park was out we determined that we would possibly open the Gale Road to facilitate traffic and we received immediate negative feedback from the residents on Gale Road. The bridge was repaired quickly and the issue was never revisited since. If the commission would like us to revisit the issue again we will do so. It was a policy decision that closed the gate so it needs to be a policy decision of the commission to reopen it.

Commissioner Lucas remembered the original request to close it. There were problems with the traffic and the store and there have been no problems since. The township did come in with the residents to support the request.

Commissioner Henry would like to see the director converse with the local fire and police department to see if there is a safety issue involved with the closed gate. Does it interfere with emergency vehicles entering and exiting the park. Otherwise he does not know the area and does not have a voice on the issue other than safety.

Ms. McMillan said Commissioner Gleason, whose area this is, could not be here today.

Commissioner Wright said, although he wasn't on the board back then, his boss was, and there were a lot of residents complaining at the time and it made the paper several times. He's like to see a survey of the residents on the street. Since it was the residents that closed it down, he'd like to see if their attitudes or minds have changed since then.

Ms. McMillan said we could send a letter.

Commissioner Bailey asked how many residents live on that stretch of road. Mr. Madore said there are about 40. He likes the recommendation that we survey the residents as well.

**C. Richfield Landfill Update.** Ms. McMillan introduced Joe Madore, Richfield Township Supervisor, to discuss Richfield Landfill's status and their treatment operations and how it may affect the Holloway Reservoir area.

Mr. Madore passed out a letter from Richfield Township to Richfield Landfill from 2006 regarding the township's assurances with the remedial action plan (RAP) the landfill proposed to the DNR. Part of the reason the DNR gave approval of the RAP was that there would be some type of sewer extended to the landfill to handle the runoff. The township amended the master plan to reflect these changes. The township installed a water line and the landfill was to help pay for that. The landfill owners have not fulfilled that obligation and their track record of paying back the township this small amount is sparse at best. For the township to consider a bond a 6 million dollar sewer project over forty years, and have a 300,000 monthly bill hanging over the Township, and expect the landfill to pay, the township just isn't comfortable with that. The landfill has not proven to be timely payers.

Mr. Madore spoke to the Jim A?? DEQ and asked if they were still working with the landfill and they said they were to a degree and it would be great if the landfill would come in with their own financing and put in the sewer line the DEQ would love it and it would correct some flow issues on M-15 and area residents could benefit from it as well.

The Landfill has another option; the DEQ said they could do an on-site treatment plant by applying for permits. The DEQ does not like that option and is pushing the landfill in the other direction toward sewers. Mr. Madore said his recent conversations indicate that the landfill owners are leaning toward the on-site treatment. The discharge from the treatment plant would be diverted to the Holloway Reservoir. Mr. Madore immediately spoke to the Holloway Lake Association about this option. The DEQ cannot mandate one option or the other and the Township has no input on the application/permit process. There is a lot of skepticism about how well it will be operated and maintained. The DEQ also mentioned that if the landfill goes in that direction of on-site treatment, a perpetual care fund would have to be established to maintain and operate the system when the landfill eventually closes.

Ms. McMillan said it is also her understanding that the landfill is seeking to open up an additional 80 acres. Mr. Madore said he believes this to be their intent. There is actually about 400 acres available to the landfill. The 2008 cell 1 and 2 are nearly full and did not have the meet the expansion timeline as originally expected. The 2008 expansion was not supposed to fill that quickly. In order to apply for another expansion permit they will have to hold public meetings.

Mr. Wright said the only reason they were allowed to set up the second cell (currently being operated) was because they signed a consent order than mandated that they do certain things. Mr. Wrights asked: From the conversations you (Mr. Madore) have had with the DEQ, or from your personal observations, has the landfill met the obligations of that consent order? He is concerned about the contaminants that are getting into the ground water.

Mr. Madore: Some of the things. Like the water line. They have a collection system, above ground tanks to collect the water, about 10,000 gallons is hauled away in a tanker every day. They have a slurry wall trench that is still not complete to contain the mitigation of water on the property and the water that is there it funnels it off toward the collection system. He doesn't believe it is 100 percent complete. When he spoke to the DEQ they don't seem to be concerned about that. The DEQ is concerned about testing, permits, contamination levels, progress of cleaning of ground water. They are hitting certain marks. He doesn't know when the slurry wall was supposed to be completed.

Mr. Wright: Does the township have any jurisdiction over any of the permitting process, or direct input as to what they would like to see done there?

Mr. Madore: Not really, it's the Genesee County Soil Erosion or DEQ. If they build a building on site, the building would have to be inspected by the township and meet zoning rules. The township would not have to give any approval to put in a water treatment plant. It's all done above the township level.

Ms. McMillan: So you are required to issue a building permit for that purpose?

Mr. Madore: No, only for a building, nothing regarding soil erosion, water discharge, landfill permits.

Commissioner Henry: Shouldn't the GC Health Department be involved? They inspect septic systems. Isn't this what it is essentially? Sewage?

Mr. Madore: They GCHD checks septic systems only. Industrial discharge permits usually go into a sewer system.

Mr. Wright: From what you (Mr. Madore) are saying, they want to treat the water and dump it on the ground and let it seek its way to the Holloway Reservoir.

Mr. Madore: He doesn't know the details, if it would be discharged on the ground or pipe it there, evaporation, to a lagoon, he doesn't know. He is working on speculation from what the owner told him, they are leaning toward building the on-site treatment plant.

Mr. Wright: The Commissioners should check into the solid waste plan at the County.

Ms. McMillan spoke to Julie Hinterman from the Planning Commission and we are trying to get our hands on the final signed agreement between the DEQ and the landfill. None of our recollections was there an option for an on-site water treatment plant. Ms. Hinterman said if there is anything that could be construed as an amendment under the statute, there is a process to approve these amendments to become part of the solid waste plan. The county commissioners could answer that question. The Board's intent is to update and tailor the solid waste plan to the County. There is a desire that it is specific to Genesee County.

Mr. Wright: As far as the township is concerned, and in your (Mr. Madore's) opinion, is the landfill saying they are looking at the (on-site) option because the township will not fund the sewer line? Has the township made the decision not to fund and extend the sewer line?

Mr. Madore: It is definitely financially driven. There is no doubt about that. The township has not formally made that decision but the board has met with our attorney and with Rowe; and yes, they (the landfill) were kind of given the green light because 5 yrs ago we said we would work with them and amend our master plant, and maybe that is why the on-site was never brought up. We said we could run sewers and we were moving forward in that direction. If they want to put up 6 million dollars of their own, God bless them, but for the landfill to ask us to bond the project, knowing their track record is so horrible paying us only 3% of that monthly fee, we don't want to do that.

We don't pay them for garbage pickup because they are not paying us. We write their check every month and put it in the safe until they pay us. They also owe us a quarterly impact fee. He has no problem approving the check and letting it collect dust until they pay the township. When they wake up and figure it out they will pay us. If they owe us \$5,000 and we owe them \$23,000, the ball is in our court.

Mr. Wright: We are all concerned about the Holloway Reservoir. But by the township supervisor's own comments the landfill company has not lived up to its obligations in so many ways, but we will find that the DEQ will give them another permit to expand their system in the near future. What we do about it, he doesn't know, but it is disturbing.

Mr. Madore: A critical point is that if they don't come to the DEQ with a plan for handling this water plan, they should be told to figure that out first and then come to the DEQ to ask for a permit to expand. But if the landfill is saying that everybody is on board and if the DEQ doesn't verify this...then... We spoke to the DEQ and he's told them the township is not willing to stick our neck out there for a 40 year \$6 million bond. If we say we won't do that and they (the landfill) are on their own, then that is why he thinks they will just go with the on-site treatment because they think they can do that cheaper than paying a monthly sewer bill.

Commissioner Henry: This is essentially a duplication of what we heard the last time they applied for an expansion, and the things we thought we settled during the last expansion. How long was it estimated that expansion would serve the community? Wasn't it well over 2 years, about 10 years? They have picked up contracts here in this county.

Mr. Madore. He doesn't know. He knows they are on the last little sliver of spot on the north end that if they don't get something approved this fall or winter they will be dead in the water. It (filling the cells) could have been accelerated by the additional contracts.

Mr. Wright said they estimated several years for those cells and it hasn't. To remind the board here, to get that permit they made all these commitments for a water system, sewer system, slurry wall and on and on and on. Now the cell is nearly filled and they need another permit and they still haven't fulfilled the commitment requirements.

Mr. Madore said the water line is pretty much done.

Mr. Henry asked the director, board chair, or corporate counsel to contact the state legislature to find out where they are on this and what they recall was promised. Possibly get a review from the state agency. He also thinks we should check the county health department to see what is required with the containment system. We all know how many systems have been put in and they don't serve the public properly. (Gleason and Smiley are representatives)

Ms. McMillan asked to do that in cooperation with the Drain Commission office.

Mr. Krapohl: Does the township collect any fees from the landfills?

Mr. Madore: Yes, quarterly impact fees. It's about \$100,000 per year at the current volume.

Mr. Gleason: The slurry wall, water line, sewer direct connection, was all part of the consent order. This is more than a park problem, it is a county problem. If they are not holding true to what was agreed, we should seek every legal action possible to cease and desist until they meet the terms of the agreement. At first we need to determine and look at the agreement to see what the terms were, and then proceed. For Richfield Township to consider taking the responsibility to bond that sewer system should even be in the discussion. It's not uncommon for a developer to stretch a water or sewer line to accommodate their development and that's what this is a development for their own personal gain. Anybody who taps in, they (the landfill) would get a percentage of that.

Mr. Madore: If they (the landfill) don't pay, the township wouldn't proceed with the sewer line. If they do pay, in the long term it would help the area, but the township has no intention to do it alone.

Commissioner Bailey: Suggests that Atty Barkey, at the May 26 meeting give us a legal roadmap, because this can go on and on and we need something in writing from him as to where it will go and who will do it.

Commissioner Henry: Could Mr. Madore give Brian an update on how many times they have violated the agreement?

Mr. Wright: Do you (Mr. Madore) get the impression a public meeting is required for an on-site water treatment plant? Can they slide this through or are they mandated to hold public meetings? We should clarify that. Do you think they have talked to the state on only to the township? We need to find that out too and if the state requires a public hearing.

Mr. Madore: He's not sure. We'd have to rent the Silverdome for that hearing. He will find out.

Commissioner Henry: Has anyone ever seen a growth restriction on a landfill?

Mr. Madore: He hasn't seen that. Probably more based on traffic issues.

**7) Opportunity for Commissioners to address the Commission.** Mr. Krapohl said Saturday at 10 am at Flushing Riverview Park (our banks were too steep at Flushing County Park) there will be a salmon release (about 200) into the Flint River. He works with the DNR for this program.

Mike Fiorucci, park ranger, will speak at Mott Community College to MI Natural Resources to talk about initiatives the parks commission has approved to expand outdoor opportunities for the public to hunt and fish in the parks to manage the environment.

Commissioner Gleason apologized for his tardiness, he had a dentist appointment.

Commissioner Henry would like to know why we have the same vendors every year. He anticipated several bids on the restroom project. It concerns him about the regulations. He hears from vendors there are too many roadblocks to submit bids.

President Krapohl appointed Krapohl, Gleason, Wright, Lucas to the budget subcommittee. He will check with Mr. Winters to serve on the subcommittee.

**8) Opportunity for the public to address the commission.** Mr. Madore mentioned that he surveyed the residents on Gale Road regarding opening up the road for special events, limited times such as May through September, or permanently etc. Some of the responses he got were pretty hateful. Of the 40 or so residents he only got about 15-20 back. His personal thoughts said when the gates closed it hampered access to that park. He'd like to see that road paved. It's a huge expense but if it could be looked into.

Julie Brandon, 11260 Old Mt. Morris Rd, Secretary to Holloway Lake Association. The landfill has been a nightmare since it opened, just one problem after another. She begs to differ with Mr. Madore's comment that the traffic has slowed down. The landfill is growing probably tens of feet per month. You couldn't see it over the tree line, but now it towers over the tree line. They work on the honor system over there. They don't count their own trucks only other company's trucks. They own several subsidiaries. You can almost see the landfill from Coldwater Road. It will soon be an issue for the entire county not just Richfield Township. It will soon tower over the county. We've talked about how to limit the height of the landfill. There is no state law about the height. As long as the ratio is 1:4 it can continue to grow. They, the HLA, are so concerned about the water leakage. It was like a flood coming from those pipes coming from across. If they dump all that into the water, can you imagine? Holloway has been rated the 3<sup>rd</sup> best walleye lake fishing in the state. We don't want to let something like that go.

Her last point is that recently the landfill got caught running a gravel pit from the property. Because the neighbors complained, the township sited them and they had to apply for a permit to open the area for mining operations. If they had to do that and apply for a zoning change to operate a mining operation and gravel pit, why wouldn't the township not require them to apply for a zoning change to open a water treatment facility on the property. She hopes the commission will join the HLA to fight this vehemently.

**9) Adjournment.** President Krapohl made a motion to adjourn the meeting at 11:09 with no objections.