

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting
March 4, 2019

MINUTES

Supervisor Rogers called the regular meeting of the Genoa Charter Township Board to order at 6:30 p.m., with the Pledge of Allegiance. The following members were present constituting a quorum for the transaction of business: Bill Rogers, Paulette Skolarus, Robin Hunt, Jim Mortensen, Terry Croft, Diana Lowe and Jean Ledford. Also present were Township Manager, Michael Archinal; Township Attorney, Joe Seward; and five persons in the audience.

A Call to the Public was made with the following response: James Delcamp – I am concerned with environmental issues related to pesticides on our lakes, in farming and on private property. The long term effects especially related to Roundup are a great concern to me personally. Please consider your actions related to the township office and programs.

Approval of Consent Agenda:

Moved by Lowe and supported by Croft to approve all items listed under the Consent Agenda as requested. The motion carried unanimously.

1. Payment of Bills.

2. Request to Approve Minutes: February 18, 2019

3. Consider approval of a notice of Special Election as requested by the Township Clerk.

Approval of Regular Agenda:

Moved by Lowe and supported by Mortensen to approve for action all items listed under the Regular Agenda as requested. The motion carried unanimously.

4. Third review of budgets related to Funds 101, 212, 261, 264, 270, and 271 for the fiscal year beginning April 1, 2019 through March 31, 2020 as submitted by Skolarus.

A. Consider approval of Livingston County Road Commission Pavement Management Program projects as recommended by the Township Manager.

Moved by Hunt and supported by Lowe to include contributions of approximately \$66,750.00 to Golf Club between Latson and Hughes and \$217,500.00 to Dorr Road between I-96 and Challis Road. The motion carried unanimously

B. Direct the Township Clerk to publish the statutory notice for F.Y. 2019/2020 Budgets.

Moved by Lowe and supported by Croft to approve publishing of the statutory notice as requested by Skolarus. The motion carried unanimously.

5. Recommendation by Dr. Greg Tatara regarding the Lake Edgewood and Oak Pointe Sewer and Water Systems.

A. Request to amend the operating budgets for Fiscal Year ending March 31, 2019 for the Lake Edgewood Sewer System, the Oak Pointe Sewer System and the Oak Pointe Water System.

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Moved by Skolarus and supported by Lowe to approve the amendment to the fiscal year budget for the Lake Edgewood Sewer System, the Oak Pointe Sewer System and the Oak Pointe Water System. The motion carried unanimously.

B. Request to approve the Budget for the Fiscal Year beginning April 1, 2019, and ending March 31, 2020 for the Lake Edgewood Sewer System, the Oak Pointe Sewer System and the Oak Pointe Water System.

Moved by Ledford and supported by Croft to approve the fiscal year budget for the year ending March 31, 2020 for the Lake Edgewood Sewer System, the Oak Pointe Sewer System and the Oak Pointe Water System. The motion carried unanimously.

C. Request to approve an increase to the Oak Pointe Metered water charge from \$3.62/1,000 gallons to \$3.80/1,000 gallons beginning May 1, 2019.

Moved by Skolarus and supported by Lowe to approve the increase to the Oak Pointe Metered water charge from \$3.62/1,000 gallons to \$3.80/1,000 gallons beginning May 1, 2019. The motion carried unanimously.

D. Request to increase the Oak Pointe Sewer metered charge from \$5.98/1,000 gallons to \$6.22/1,000 gallons, and to increase the flat sewer rate charge to include \$95/quarter for Operations and Maintenance and \$40/quarter for grinder pump maintenance to a total charge of \$135 per quarter beginning May 1, 2019.

Moved by Ledford and supported by Lowe to increase the Oak Pointe Sewer metered charge from \$5.98/1,000 gallons to \$6.22/1,000 gallons, and to increase the flat sewer rate charge to include \$95/quarter for Operations and Maintenance and \$40/quarter for grinder pump maintenance to a total charge of \$135 per quarter beginning May 1, 2019. The motion carried unanimously.

6. Request for approval of other amendments as submitted by Utility Department Director Greg Tatara.

A. Request for approval of the 2019-2020 System Labor and Equipment Percentage Allocation.

Moved by Hunt and supported by Croft to approve the 2019-2020 System Labor and Equipment Percentage Allocation. The motion carried unanimously.

B. Request to amend the Utility Department Budget for Fiscal Year ending March 31, 2019.

Moved by Skolarus and supported by Mortensen to approve an amendment the Utility Department Budget for the fiscal year ending 03/31/2019. The motion carried unanimously.

C. Request to approve the proposed Utility Department Budget for the Fiscal Year ending March 31, 2020.

Moved by Ledford and supported by Lowe to approve the Utility Department Budget for the Fiscal year ending March 31, 2020. The motion carried unanimously.

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7. Request to authorize the Utility Department Director to purchase the necessary vehicles as budgeted to maintain the Utility Department Fleet, to purchase the new wide format plotter and to contract for the engineer position on a part-time basis with Tetra Tech.

Moved by Lowe and supported by Croft to authorize the Utility Department Budget for the fiscal year ending March 31, 2020. The motion carried unanimously.

8. Consideration of a recommendation for approval of a special land use, site plan and environmental impact assessment for a proposed 25-unit site condominium with a special land use to allow for grading within the 25-foot natural features setback. The property in question is located on approximately 61 acres involving parcels 11-33-400-003 and 11-34-300-005 on the east side of Chilson Road, south of Brighton Road along the southern Township boundary with Hamburg Township. The request is petitioned by Chestnut Development LLC.

A. Disposition of Special Land Use Application

Moved by Hunt and supported by Croft to approve the Special Land Use, with reference to the Feb. 28, 2019 memo from Kelly VanMarter, to allow for grading within the 25 foot natural features setback for the road, shared drive, detention outlet, dry hydrant, and grading for Unit 7. This approval is granted because the request has been found to comply with the requirements of Section 19.03 of the Township Ordinance, the disturbance is a relatively limited area of disturbance in comparison to the area protected/preserved, and the petitioner has an approved wetland permit from the MDEQ. The motion carried by roll call vote as follows: Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None. Absent – None.

B. Disposition of Environmental Impact Assessment

Moved by Lowe and supported by Croft to approve the Environmental Impact Assessment dated November 20, 2018 for Chestnut Springs, subject to the following: Reference to the sodium chloride groundwater concern as well as description of planned mitigation measures shall be added to the impact assessment prior to issuance of a Land Use Permit. The motion carried unanimously.

C. Disposition of Final Condominium Site Plan

Moved by Croft and supported by Lowe to approve the final site condominium plan dated November 20, 2018 subject to the following:

1. The Master Deed, Bylaws and Exhibit B Drawings are incorporated into this approval by reference.
2. All requirements of the Brighton Area Fire Authority letter dated November 8, 2018 shall be met.
3. Construction plan review will be required for the private road prior to the issuance of the Land Use permit.
4. Payment of any review fee overages must be made prior to issuance of land use permit.
5. The conditions of the October 24th, 2018 Court Order regarding Case No. 12-027123-CZ shall be complied with. Those conditions are restated below for incorporation in this approval:

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- a. Chestnut Development shall be permitted to extract sand from the property for the purposes of construction of homes on the subject property, including land balancing, construction of roads and drives, and septic fields for homes on the property only;
- b. By the time of the issuance of the final certificate of occupancy for the homes to be constructed on the subject property, Chestnut Development shall have completed the pond restoration in accordance with the restoration plan prepared by Livingston Engineering, job no. 12336, dated October 4, 2012, revised December 18, 2012 previously approved by Genoa Township on which Plaintiff's land use permit was issued. Immediately and until the pond restoration is completed, Plaintiff shall install and maintain a gate at the entrance to the pond to restrict unauthorized access to the pond. Upon completion of the restoration process, the Township Engineer shall inspect and verify compliance with finish slope requirements. Once approved by the Township Engineer, the Township shall return the restoration bond previously paid by Chestnut Development;
- c. That each home to be constructed on the subject property will be served by a private well as the source of water, and each home shall have installed a reverse osmosis unit that serves both the kitchen sink and refrigerator as part of the development. The reverse osmosis unit shall be approved by the Township prior to installation. The Township shall provide once each calendar year a filter for the reverse osmosis unit if chloride exceeds the drinking water criteria and will continue to do so until such time that chloride is below the State's acceptable drinking water criteria; and
- d. The developer grants the Township a perpetual easement as described on the approved site plan for access to the Township's 3 monitoring well sites, which shall be tested at a frequency determined by Genoa Charter Township. Monitoring well results will be shared with the Michigan Department of Environmental Quality and the Livingston County Health Department. In the event that the monitoring well results are above drinking water criteria for chloride in the future, the Township shall have the right to request access to the property to collect an un-softened raw water sample from the residence and to request a water sample from the reverse osmosis within the house on an annual basis to verify that the reverse osmosis system is working.
- e. That the master deed for the site condominium shall include reference to chloride (a component of salt) is present in the groundwater above natural background and the source of the elevated chloride is from Oak Pointe Wastewater Treatment Plant that is no longer discharging to groundwater and has not since 2015. The Master Deed will note that current drinking water criteria for chloride is aesthetic based, chloride concentrations in excess of the drinking water criteria can give rise to a detectable salty taste in water. The Master Deed will note that chloride also increases the electrical conductivity of the water and thus can increase its corrosiveness. Furthermore, each buyer in the project will receive a copy of the master deed, and sign a document stating they received, reviewed, and agree to the terms and disclosures contained in the Master Deed.

The motion was voted and carried unanimously.

Member Discussion:

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- An increase of \$10.00 for refuse collection and disposal
- A 2% increase in salary for all boards and staff
- An increase to the cost of a Zoning Board of Appeals application

No formal action was taken by the board.

The regular meeting of the Genoa Charter Township Board was adjourned at 8:03 p.m.

Paulette A. Skolarus, Clerk
Genoa Charter Township Board