

**Special Board Meeting  
Approved Meeting Minutes  
ROSS TOWNSHIP  
KALAMAZOO COUNTY, MICHIGAN  
September 19, 2023, at 6 pm**

<b>Attendee Name</b>	<b>Title</b>	<b>Roll Call Status</b>
Christina Hutchings	Supervisor	Present
Mary Stage	Clerk	Present
Syndee Genung	Treasurer	Present
Diana Langshaw	Trustee	Present
Michael Bekes	Trustee	Present
Lynn Harmon	Trustee	Present
Mike Sulka	Trustee	Present
Rob Thall	Attorney	Present

Also in attendance were about 35 interested people.

Supervisor Hutchings called the meeting to order at 6:00 pm with all rising to Pledge Allegiance to the Flag.

**APPROVAL OF AGENDA:**

Trustee Harmon motioned to amend the agenda to include swearing in Mary Stage as Clerk. Trustee Sulka supported. The motion carried unanimously.

Trustee Harmon motioned to further amend the agenda to add swearing in Mary Carol Wilkins as Election Specialist immediately after Mary Stage is sworn in as Clerk before the consent agenda item. Trustee Sulka supported. The motion carried unanimously.

Trustee Harmon then moved to approve the agenda with amendments. Trustee Sulka supported. The motion carried unanimously.

Mary Stage was sworn in as Ross Township Clerk.

Clerk Mary Stage motioned to appoint Mary Carol Wilkens as the election specialist for Ross Township. Supervisor Hutchings supported the motion. The motion carried unanimously.

Mary Carol Wilkins was sworn in as Ross Township Election Specialist.

**CONSENT AGENDA:**

The August 15<sup>th</sup> regular board meeting draft meeting minutes and the August 28<sup>th</sup> special meeting were both pulled from the consent agenda for changes. Both changes were to correct a misspelled name in each. Trustee Bekes affirmed the understanding of the change. Trustee Bekes motioned to accept the

consent agenda with the two edits to the draft minutes. Trustee Langshaw supported. The motion carried unanimously.

**PUBLIC COMMENT:**

Supervisor Hutchings opened public comment at 6:20 pm with the following message to those attending the meeting:

“Welcome to the Ross Township Board Regular Meeting of September 19<sup>th</sup>, 2023.

Just a couple of items before we begin:

PLEASE PUT YOUR CELL PHONES ON SILENT. We are recording and it makes it difficult to hear what is being said when phones are ringing. We want to offer an environment free from cell phone interruptions for those who are speaking tonight.

Thank you to everyone who has called or stopped in to seek more information on tonight’s meeting.

Thank you to the panel of State and County experts who made a commitment to attend tonight to share their knowledge and expertise with Ross Township.

A number of factors prompted these experts to attend our meeting tonight. Factors that include supporting our neighbors right to safe drinking water in the Gull Vista Plat. We have been closely monitoring the data-driven necessity for public water for these affected residents along with EGLE and the State and County Health Departments.

For those of you attending with worry and wondering tonight, no, this is not a meeting to discuss running public water around all of Gull Lake. If that is what brought you here, I hope you stay with us and leave this meeting better informed about PFAS and its effects on our neighbors in our Township.”

Before the public had a chance to approach the podium, Trustee Harmon motioned to hold a Town Hall Meeting specific to the topic of public water quality, the various options that are out there to address the PFAS issue, and we try to contact every impacted resident so they can hopefully be in attendance before any decisions are made. Trustee Sulka seconded the motion. After discussion, Trustee Bekes asked Trustee Harmon if she would agree to postpone the motion vote to the end of the meeting to give the representatives of the project the opportunity to speak. Trustee Harmon agreed and the motion vote was postponed.

Public comment:

John Spencer introduced himself as a representative from Senator Matt Hall’s office. He shared his desire to listen and better understand the problems Ross Township faces to take the information back to the Representative’s office and take a more solid approach to find out about solutions for Ross Township.

With no additional people approaching the podium, Supervisor Hutchings closed public comment at 6:23 pm.

Supervisor Hutchings confirmed the fire, police and various committee reports were in the board package for all board members.

## **OLD BUSINESS**

Ventilation for Fire Department Training Room – Supervisor Hutchings motioned to increase the already approved amount of \$10,000 of ARPA funds to address the air conditioning/ventilation in the Fire Hall to \$15,870 of ARPA funds (an increase of \$5,870 of ARPA funds) as quoted by our supplier. Trustee Bekes seconded the motion. The motion carried unanimously.

Discussion about the Porta Potties in South Bay idea resulted in board agreement to scratch the initiative when it was determined there were no business owners interested in the use of their land for such a purpose.

Supervisor Hutchings motioned to use \$400 of ARPA funds to pay for testing the quality of the water at Ross Township Hall. Trustee Bekes seconded the motion. The motion carried unanimously.

Supervisor Hutchings motioned to use \$18,100 plus electrical hook up of ARPA funds to replace a faulty tornado siren at Highland Park near CD Avenue. After discussion including repairing or replacing, Trustee Harmon motioned to amend the motion to include getting two or three quotes for a replacement siren. Trustee Bekes seconded the amended motion on the condition the \$18,100 plus electrical hook up is the maximum amount spent. Supervisor Hutchings will partner with Fire Chief Bogema on the decision. The amendment to the motion carried unanimously. The vote on the original motion as amended carried unanimously as well.

Supervisor Hutchings discussed a needed repair of the Park's restrooms including three new steel doors, one additional light in each restroom, melamine partitions in each, epoxy on the floors in each and making the restrooms handicap accessible at an estimated cost of up to \$15,000. Discussion resulted in approval of Supervisor Hutchings getting quotes on the proposed work and the use of ARPA funds if the work is approved.

## **NEW BUSINESS**

ARPA: Funding considerations for 2023-2024: Trustee Bekes described the work Community Volunteer Phoebe Moreo and he will be undertaking to clearly define ARPA expenditures to date which will result in confidently moving ARPA funds over to the Township's general fund. Trustee Bekes also shared Treasurer Genung, Community Volunteer Phoebe Moreo and he met with Consumers Credit Union (CCU) the prior week to discuss the interest rate on almost \$1,000,000 of Ross Township deposits among other items. The accounts were found to be paying 0.25% APR at the time and within three days CCU agreed to pay 4% APR interest on money market deposits and 2% APR on checking account balances. Trustee Bekes confirmed that interest earned on ARPA funds goes directly to the Township.

At 6:50 pm, Supervisor Hutchings turned the meeting over to James Baker of the City of Kalamazoo Water & Wastewater to give a planned presentation. Handouts including a map of proposed water main locations were handed out to the board and interested parties. Mr. Baker's presentation discussed the potential municipal water expansion within an area in Ross Township overlapped by PFAS samples that measured greater than State and/or Federal criteria.

Trustee Sulka shared his concern that he did not have testing data specific to Ross Township. After discussion, it was determined that the data was sent to board members the prior week. Erica Bays from

EGLE explained the data was summarized in the data sent to the Board and she then offered to sit down with Trustee Sulka to explain it.

Ms. Bays also shared the expectation that future standards for drinking water quality will be lowered, suggesting higher levels of failure of water test results.

Trustee Harmon asked about home filters as a solution, Ms. Bays stated filters are not a viable long-term solution. Trustee Sulka shared concern about metals in water in Ross Township to which Ms. Bays stated metals are not a problem in Ross Township areas.

Trustee Bekes summarized the conversation that PFAS contamination is in the water, the plume is migrating our way, the standards will get tougher and it's not going to be safe for our residents. He then asked the presenters to explain the maps that were passed out and to give an overview of the proposal. Mr. Baker explained the proposal in detail with the highlights including:

- The map shows water main flow modeling and pressure modeling numbers.
- The map shows Phase 1 and Phase 2 for some point in the future.
- Phase 1 is PFAS focused.
- The proposed piping is built from existing piping, resulting in the proposal to add water mains to existing water mains emanating from Richland Township.

Trustee Bekes inquired about the \$12 to \$13 million dollar price tag, associated available grants and low-interest loan options shared by Representative Matt Hall's office. Mr. Baker responded with the following highlights:

- There is a grant program called Drinking Water Safe Revolving Fund (DWSRF)
- The program is competitive.
- Projects are scored based on a point system.
- There is no guarantee of funding.
- For application of the \$13 million funding opportunity for Ross Township, the City of Kalamazoo would need a formal agreement with Ross Township.
- The Utility Policy Committee (UPC) needs to approve the expansion of the water system to Ross Township and approval to do a capital program like this.
- Options of a retail operation or a wholesale agreement were presented if the project moves forward.
- There will be no cost to Ross Township through the process.
- If the project is not funded, all costs to that date would be covered by the 11 Jurisdictions of Kalamazoo Water Utility.
- Sharing a recent example, Mr. Baker shared there was a project that scored 80 points and since the fundable rates need to score a minimum of 85 points of 100 or greater, the project was not funded.
- The plan being discussed tonight is to combine that specific project with the Ross Township project to score high enough for funding. Although not guaranteed, Mr. Baker shared the following on why the score should be higher with the combined project:
  - The project addresses PFAS.
  - The project addresses water quality.
  - The project addresses fire flow.

- The project demonstrates consolidation as Richland and Ross Township come together versus Ross Township going alone with the project.
- Combination of other projects is a points getter as well.

Mr. Baker concluded by saying the project package looks very positive based on those reasons when taken in totality.

Trustee Bekes inquired about mandatory hook ups to homeowners if the project were funded and built to which Mr. Baker responded that although the system would be designed to operate well in the event all homeowners signed up there would be no mandatory hook up at the time of installation. Future well failures and drilling of new wells in those areas may come under more intense scrutiny by the Health Department but there would be no mandatory hook up expectation at the time of installation due to the Township not having a respective Ordinance in place. He further explained at the time of installation if a homeowner hooks up, there would be zero out of pocket expense to the homeowner other than a \$60 deposit to become a new customer of the water system that would be refunded as a bill credit if the respective homeowner paid the first two water bills on time.

Regarding project timing, it was established it would take three years for project approval and construction.

Mr. Baker then discussed what is needed to move forward with the funding program:

- The first step would be the Notice of Intent, a one-page document to accompany the application.
- A formal commitment from the Board to enter into an official relationship with the City of Kalamazoo.
- Once the engineering starts, the project plan itself requires a public hearing.

Trustee Harmon asked about the timing of the Notice of Intent. Mr. Baker shared the importance of presenting at the UPC meeting on October 12<sup>th</sup> to offer details on what the agreement is going to look like, whether or not Ross Township will be a party to the Water Service Agreement as part of the 11 jurisdictions and whether the program will follow the retail model or the wholesale model. He further stated if we are not timely to meeting the deadline of the October 12<sup>th</sup> meeting everything is pushed out to 2026.

Trustee Harman opined that what is important for this Township is most residents want to be part of the decision and give input. A few months ago, there were no plans to bring in public water in Ross Township and here we are now on the cusp of needing to potentially do something. She believes the information needs to be shared with all residents before the board enters into any agreement and questioned how bad it would be if everything was pushed out another year. The information needs to be shared quickly to get people's input so the board can make the decisions that our residents want us to make, not ones that we may feel need to be made.

Trustee Sulka opined the Federal Government talking about new regulations is speculative. Then he shared an example he encountered during his career where the Federal Government proposed changes and then started the process over after several years. He shared if a homeowner is close to the line, we want to hear their feedback and get them some help if we can. Trustee Sulka shared homeowners can not afford to pay on the project and asked if there is anything we can do to get the State to pitch in via the resource fund.

Trustee Bekes opined the presentation highlights included that this project would be no cost to Ross Township, that if the funding fails the project would be terminated and that some residents are or may already be consuming contaminated water. He remembered prior discussions about the potential to put public water all around Gull Lake and shared his view this project is totally different from that project, suggesting the board saying we would not bring in public water a few months ago and now we are considering bringing in public water to help those in need in a different area is not optically bad. Trustee Bekes then shared his concern about a one-year delay of the project as it may result in higher costs and that grant money may not be as available as it seems to be available now. He asked for the Town Hall meeting to happen quickly to get input. He then declared we are elected officials, and our job is to decide what is best for Ross Township based on the best information we have. He stated we have the best information in hand and suggested it is not this board's option to kick the can down the road another year as the risks are too high.

Mr. Baker stated to move the project forward timely the UPC would need to approve the expansion of the system and approve the system to provide retail service to Ross Township or if the GLSWA would provide the retail service. He claimed he could not apply for funding to the UPC until those decisions were made and the Letter of Intent is in hand. Their meeting date of October 12<sup>th</sup> is the last date to apply for this year's funding opportunity.

Ongoing discussion highlights included:

- The Notice of Intent from the board remains a priority and needs to be in place by the UPC meeting date on October 12, 2023.
- The Notice of Intent is not binding only if project funding is not obtained.
- Retail or wholesale needs to be determined but the process can move forward prior to making this decision.
  - Retail through Kalamazoo System or GLSWA.
  - Wholesale is Ross Township owning the pipelines.
- Water main break repairs are covered by Kalamazoo System or GLSWA with the retail option, not at Ross Township's cost.
- Ross Township would not have a board seat without having a candidate from Ross Township elected by the committee through a defined process.
- The project is not engineered at the present time.

After board discussion, a Special Board Meeting including the Town Hall was agreed to be held on October 3<sup>rd</sup> at 6:00 PM at a location yet to be determined. The addresses for the special invitations will include all homes within 300 feet of the projected water main locations and Trustee Bekes will draft the verbiage that will be on the flyers. Supervisor Hutchings will finalize the mailing and contract with a third-party vendor to have the flyers in the mail by the end of the week. These details were assigned to the original motion at the beginning of the meeting by Trustee Harmon, seconded by Trustee Bekes. The motion carried unanimously.

Trustee Bekes confirmed with Mr. Baker all points in his presentation to the board were covered to Mr. Baker's satisfaction.

Supervisor Hutchings motioned to appoint Trustee Langshaw as alternate to Supervisor Hutchings as Regional Commissioner. This ensures Ross Township has voting representation at the Regional Commission table. Trustee Bekes seconded the motion. The motion carried unanimously.

Trustee Langshaw moved to have Trustee Bekes take meeting minutes for both the October board meetings to help Clerk Mary Stage have more time to work on elections. Trustee Harmon asked if such motion should be made by the Clerk. Clerk Stage then motioned to have Trustee Bekes take the meeting minutes again for the October and November meetings so she can have more time to fully prepare for the upcoming elections. Trustee Langshaw seconded the motion. The motion carried unanimously.

#### **SECOND PUBLIC COMMENT:**

Michael Moore thanked everyone for moving forward with this and shared a potential downfall is moving too fast with the decision. He strongly suggested we go with the retail portion of it because we are dealing with the supplier and not going through a middleman. The fewer people involved would be better. We owe it to the citizens to give them a fresh clean uncontaminated water source as quickly as possible, but we need to be careful about going too fast.

Jean Hansen approved of public water and wished it would have been done a year or two ago.

Doug Bogema shared his water problems living in Richland and his not supporting the water tank in the yard option brought up earlier in the meeting by Trustee Harmon due to his prior experience with freezing problems in the winter and having to wait for supply on occasion. Mr. Bogema then shared city water would be very beneficial to the Fire Department as Gull Lake access to fill fire trucks is becoming scarce due to newer homeowners not willing to grant access to the lake. He recommended the board pursue it and not wait two or three more years.

Bob Cook hopes the impacted people get taken care of and shared his concern of it being too good to be true regarding jumping in and then just walking away if the project does not happen. The engineering costs could be in the hundreds of thousands of dollars in his experience. He is not against it but would like to know the alternatives.

Elizabeth Hensley thanked the experts that came to the meeting to share the information for better understanding. She approves of this water plan and her only concern was going wholesale as her desire is to go with the retail operation option. There were a few meetings where it was very apparent there is a contentious relationship with GLSWA and the director who might not be looking into our best interests so we may have pushback from the residents if that is part of it.

There being no additional people approaching the podium, Supervisor Hutchings closed the second public comment at 8:37 pm.

#### **TRUSTEE UPDATES:**

Trustee Sulka opined there will be a lot of support as there is no cost to the homeowner. The challenge will be great if we get feedback the funding source does not fund the project. He shared SAD (Special Assessment District) situations from the past that solved neighbor issues (road SAD and Sherman Lake Sewer) before but may not be a solution to this problem if funding fails due to the high cost across a small number of impacted homes.

Trustee Bekes confirmed with Mr. Baker the costs of engineering the water main project would not be passed on to Ross Township in the event project funding fails.

Trustee Harmon asked Trustee Bekes (as Board Liaison to the Planning Commission) to follow up with AGS regarding her conversation with a resident who complained building requirements imposed by AGS on a pole barn were requested but not required. The example included hurricane straps. Trustee Bekes asked Trustee Harmon for the contact information of the person she referenced, and Trustee Harmon agreed to the request.

Clerk Mary Stage was welcomed to the board by many.

Supervisor Hutchings thanked everyone who came tonight, she looks forward to the Town Hall and moving ahead.

Trustee Langshaw helped Treasurer Genung the prior week and summer taxes are well taken care of as they are almost done. She also shared appreciation of the work Trustee Bekes is doing to help the Township.

**Adjournment:**

Trustee Harmon moved to adjourn the meeting and Treasurer Genung seconded. The motion passed unanimously and the meeting adjourned.

Michael Bekes  
Township Trustee  
Temporary Acting Recording Secretary