

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES MEETING
MINUTES OF MEETING – MONDAY AUGUST 21, 2023
TOWSLEY AUDITORIUM, WASHTENAW COMMUNITY COLLEGE
MORRIS LAWRENCE BUILDING
4800 EAST HURON RIVER DRIVE, ANN ARBOR, MI**

I. CALL TO ORDER, ESTABLISH QUORUM

Supervisor O’Connell called the Ann Arbor Charter Township Board of Trustees meeting to order at 7:32pm on August 21, 2023.

Present: Supervisor Diane O’Connell
Clerk Rena Basch
Treasurer Carlene Colvin-Garcia
Trustee John Allison
Trustee Kristine Olsson

Absent: Trustee Michael Moran
Trustee Rodney Smith

Also Present: Township Attorney Nathan Dupes, Bodman PLC
Township Attorney Sinead Redmond, Bodman PLC (online)
Environmental Consultant Dr. Steven Wright
Fire Chief Mark Nicholai
Utilities Director Rick Judkins (online)

Agenda Change:

- V. A. Introduction of new Firefighters – Chief Mark Nicholai**
1) Joel Cameron
2) Mason Fecker

Chief Nicholai introduced new Firefighters Joel Cameron and Mason Fecker, and the Board welcomed Firefighters Cameron and Fecker to the Township.

II. APPROVAL OF BOARD OF TRUSTEES MINUTES

A. Regular Meeting July 17, 2023

MOTION by Basch, support by Allison, to amend and approve the July 17, 2023 meeting minutes as follows:

- Last page, under Public Comment, correct: ~~Steven~~ Michael Watts . . .

Motion passed unanimously by voice vote.

III. CITIZEN PARTICIPATION

Regarding agenda item V.C., Jeffrey Souza, 2432 Westbrooke Circle South, submitted a copy of documentation he had sent to EGLE (Michigan Department of Environment, Great Lakes and Energy) regarding 9 residential wells in the vicinity of the Vella Pit that have suffered significant harm in 2023. Mr. Souza suggested the Township coordinate with the City of Ann Arbor regarding the Vella Pit being in the EGLE-defined wellhead protection area that serves the City. Mr. Souza said that by dewatering the mine, the Vella Pit mine owners are removing an enormous amount of water from the aquifer and disposing of it in a nearby creek; the water will never return to the aquifer. The requested permit to increase extraction to 4.8 MGD (million gallons/day) is the equivalent to the use of 16,666 single family homes, a concentration of use that would never be allowed in the Township. There were other alternative affordable methods, such as dredging, that will allow the gravel and sand to be mined while it is under water, without further harm to surrounding wells. Mr. Souza asked the Township to engage with the mine operators, to see how the mine and township residents can coexist by modifying mining operations in such a way as to not harm the water level in the aquifer.

Regarding agenda item V.C., Mark Swanson, 1555 Gleaner Hall Court, did not support the 2020 Conditional Use Permit (CUP) for MMM/Vella Pit; he did not feel there was adequate notification to the community at that time. The CUP provided no benefit to Ann Arbor Township. Mr. Swanson quoted from Standard E of the July 13, 2020 Planning Commission resolution regarding the CUP: *"Subject to the Conditions set forth in this Resolution, the Planning Commission finds that the Project will not be detrimental, hazardous or disturbing to existing or future neighboring uses, persons, property or the public welfare."* Now that the CUP has been in effect for a while, it has become apparent that there are many violations of the CUP, the use is detrimental, hazardous and disturbing to the neighbors, and the CUP should be revoked. Mr. Swanson said his well had been impacted, and there was no way to accurately map the aquifer.

Regarding agenda item V.C., David Masch, 4989 Red Fox Run, asked for better communication regarding the Vella Pit situation. The requested amount of water to be taken from the aquifer will affect multiple families and multiple wells throughout the Township, and he did not support it.

Regarding agenda item V.C., Michael Watts, 4700 Grandeur Oaks, said that to date 24 known wells in the area surrounding the Vella Pit have been impacted during the past 8 months, whether going dry, needing a new well dug because of static levels dropping, or debris and hydrogen sulfide appearing in the water. Mr. Watts' static water level has dropped 22 feet. MMM (Mid Michigan Materials) was deliberately pumping water in order to lower the groundwater level to facilitate their mining operation, and there was no question that this method is responsible for the drying up of nearby wells. Should the Township fail to take action, the community will take action relative to MMM's violations of state and federal regulations, exceeding the limit of 2 MGD of water since starting operation, with no withdrawal meters in place and no data regarding the amount of their discharge. MMM has admitted their discharge reports overstated the amount of discharge. Per MMM's 327 permit application, they have acknowledged they are discharging suspended solids into the wetlands without a part 303 permit. Mr. Watts listed further violations of the 404 Clean Water Act, and numerous violations

of the Conditional Use Permit, including building a lake over 5 acres in 2022 without notifying the Township.

Regarding agenda item V.C., Kun Wang, 2211 Perennial Lane, said that through his communications with EGLE he learned EGLE currently doesn't have the data and knowledge necessary to make an accurate prediction of the future effects of this type of increased water withdrawal. There is no monitoring or mitigation mechanism in place. MMM's consultant is doing the additional groundwater modelling, but there is not sufficient data about the location of the aquifer to determine whether additional wells will be impacted. Because the local geography is too complex to map, EGLE is unable to show an area where wells could be impacted. EGLE has no methods available to monitor groundwater levels if the water withdrawal permit is issued. The dewatering under the requested permit can cause long-term and irreversible environmental damage to the Township and its neighbors.

Regarding agenda item V.C., Amy Olszewski, 2816 Warren Road, asked the Township to require the gravel mine to temporarily suspend operations, due to violations of the CUP, including noise and dust from the gravel trucks, impact on local wells, and now arsenic in the wells. Ms. Olszewski referenced the water crisis in Flint, and asked the Township Board to act.

Regarding agenda item V.C., Eric Kaldjian, 3177 Warren Road, spoke of his vision being consistent with the Township's vision, to restore land by organic farming and natural preservation. The Master Plan includes goals of preserving the Township's rural character and preserving farmland, to protect and preserve natural features, conditions, and watersheds. Mr. Kaldjian referenced the community's investment in the Farmland and Open Space Preservation millage; he and his partner Cindy Stiles had placed 160 acres into conservation via the Township's program. Within 2 miles of the Vella Pit are multiple properties totaling over 500 acres that the Township has protected by an investment of \$1.6 million. Mr. Kaldjian explained how much precipitation the Ann Arbor area receives annually - about 1 MG/acre. The Vella pit receives 142 MG annually. At its current withdrawal rate of 2MGD, the pit is removing up to 700MG/year. The requested permit for removing up to 4.8MGD would result in removal of up to 1.75BG/year. The request asks for an imbalance between capacity for groundwater recharge and extraction from the aquifer that represents a disproportionate use of an essential common resource. Mr. Kaldjian asked for a suspension of the Conditional Use Permit, and asked the Board of Trustees to insist that EGLE postpone or refuse the application for the increase.

Regarding Agenda Item V.B., Gene Ragland, 2450 Whitmore Lake Road, referred to his written comments regarding MDOT's plan for the M-14/Barton Ramps interchange renovation. Mr. Ragland believed public participation had been limited, although he attended the Barton Village Board meeting on July 10, and the meeting at Traverwood Library on August 10. Mr. Ragland opposed the "Dog Bone" roundabout construction, the cost of which had been estimated at between \$43Million - \$45Million, and which would involve closing the ramps from Barton Drive in 2024. Mr. Ragland believed such a move was without justification. Instead, he asked MDOT to implement more of the recommended safety changes on the east side, as identified in the 2021 safety study. 31 improvements had been identified and 17 were implemented, with a 45% reduction in accidents over a five year period. The remainder of the safety changes could be accomplished at a cost of \$486,000. The Barton Village Board unanimously supported 1) east

side ramps remaining open, 2) all the recommended safety improvements to be made, and 3) opposing the construction of the dual roundabouts (the Dog Bone).

As Mr. Ragland's time was up, Supervisor O'Connell invited Mr. Ragland and anyone else to leave written comments with the Board.

Addressing Agenda Item V.C., Sarah Spratt, 4949 Ridge Creek Lane, said that MMM was requesting to use approximately 34% of the amount of water that the entire City of Ann Arbor uses to serve its 125,000 residents per day; this calculates to approximately 10 times the amount of water the local residents in Ann Arbor Township use in a day. Ms. Spratt lives on Massey Lake and sees the effects of water depletion there, including no swelling of the lake during heavy rain events.

Ms. Spratt noted that Andrew LeBaron from EGLE was participating remotely, and Representative Jennifer Conlon, District 48, was attending in person.

Regarding agenda item V.C., John Koenig, 3570 E. Joy Road, asked the Board if it was representing Township residents. He asked if the Board was communicating with adjacent townships.

Regarding agenda item V.C., Ndu Ozor, 2440 Westbrooke Circle South, referencing the 1982 Michigan Supreme Court Case *Silva vs. Ada Township*, said that per the public trust doctrine, the state holds natural resources in trust for the public and has an affirmative duty to manage those resources for the benefit of the public, and to balance the interests of all involved. He asked that the Board weigh the costs imposed on the public by the current Vella Pit extraction activities, specifically the dewatering of the aquifer located in the Fleming Creek watershed by Mid Michigan Materials. The costs to the community far outweigh the benefits of extraction. The community sought redress from the Board for a) non-compliance with the conditions set forth in the conditional use permit granted in July 2020, b) changes to the facts and circumstances which were the basis for the Board's standards and findings as set forth in the conditional use permit, and c) the resulting detrimental impact to the public health, safety and welfare of the Township. The Township is entitled to revoke the CUP, and can issue a moratorium or suspension similar to the 2021 Michigan Supreme Court Case *Metamora Township vs. American Aggregates of Michigan*. MMM was deliberately lowering the water level, and planned to maintain this new lowered state of the water table even if it means dewatering surrounding wells.

Regarding agenda item V.C., Lindsey Duke, 4255 Warren, spoke on behalf of her family and their large group of farm animals. Ms. Duke listed similar concerns as had already been addressed, including noise, loss of water, and particularly the potential effect of arsenic in the water on her animals, land, and family.

Regarding agenda item V.C., Lauren Steele, 5115 Dixboro, Northfield Township, said she lived a short distance from the boundary with Ann Arbor Township. Their well failed in 2020, and they had to drill through the arsenic aquifer to find water. She felt it "insane" that MMM was not using amphibious excavating equipment and traditional dredging techniques. With proper

equipment, productivity of the quarry can be maintained or increased while saving water, instead of taking the water.

Regarding agenda item V.C., Colleen Seifert, 2850 Easy Street, Ann Arbor, said that the Board should get on the right side of this issue, which matters to people's health.

Regarding agenda item V.C., Douglas Louth, 4870 Joy Road, said he lived 800' from the Vella pit. He had not received any notification of this issue except via neighbors. Mr. Louth said as a scuba diver he had dived in Massey Lake approximately 10 times since 2014. At the bottom of Massey Lake there is a layer of white, almost opaque water; below that level there is no vegetation and the bottom of the lake is bare. He believed Massey Lake was being used as an additional settling pond. He asked EGLE to take a look at this issue.

Regarding agenda item V.C., Bill Koeppel, 4808 Warren Road, said he had attended the previous meeting in Township Hall where both Washtenaw County and EGLE were represented, and EGLE had appeared satisfied with the mitigation processes. However, residents didn't want mitigation; they wanted prevention. Mr. Koeppel spoke to the potentially severe impact on the convent that housed about 100 Dominican sisters, should their wells go dry.

Regarding agenda item V.C., Peter Rissman, 3529 E. Joy Road, Northfield Township, said MMM was in violation of the CUP. He asked the Township to retract the CUP, and bring back the dream of living on the land to the people impacted by the Vella Pit operation.

Regarding agenda item V.C., Sarah Devereaux, 2340 Hickman Road, Superior Township, said that water didn't care where someone paid their taxes. She believed MMM broke the law by installing a water extraction pump without permission that was over the allowed capacity, as specified in the CUP agreement. Ms. Devereaux appreciated being able to speak with EGLE representative LeBaron. Ignorance was no excuse for MMM violating their CUP. Mr. Wilson was quoted in MLive saying the requested permit will not exceed extraction levels beyond those already occurring. Ms. Devereaux suggested MMM be granted a permit from EGLE for 2MGD, with a public review after one year.

Regarding agenda item V.C., Tim Hilton, Constituent Services Director for Senator Sue Shink, said that Senator Shink had a family matter this evening, but she had been meeting with residents and constituents regarding this issue, and he would report to Senator Shink regarding tonight's meeting.

Regarding agenda item V.C., Mark Murawski, 1720 Warren Road, said that last fall sludge had been found in his water. Mr. Murawski said he was an engineer with some expertise in this field. Upon discovering the extent of the issues involved, Mr. Murawski had flown over Massey Lake, its tributaries, and the quarry. Everything that should be wet in the wetlands was dried up, and Fleming Creek feeders are yellow with pollution. Mr. Murawski measured the flow at Dixboro and Warren, the Dixboro tributary, and other tributaries, and had calculated 4.8MGD was being discharged. At 2.2MG/year, the Vella Pit was using approximately what the City of Ann Arbor pumped from their wells in Pittsfield Township (with the rest – 85% coming from the river). The net consumption to the Township should be about 555KGD; the Vella Pit is using 9 times that amount. Last, Mr. Murawski visited Fleming Creek, and had brought a bucket of muck that

represented the pound per minute that was going into the stream. MMM was allowed 1700 pounds of sludge per day. The entire marsh north of the quarry is now saturated, and plants are dying.

Regarding agenda item V.C., Christopher Arcure, 5162 Dixboro Rd., Salem Township, said that when he built his house in 2019 he was told very specifically where he could put his septic system and well. Due to a neighbor's warning about arsenic, they drilled their well 380' deep. Mr. Arcure did not understand how he could be held to such precise standards, but the Vella Pit can run 300 trucks per day from the mining operation, and did not seem to have to comply with the precise standards homeowners must follow.

Regarding agenda item V.C., Beverly Guza, 5884 Leland Dr., Northfield Township, related her experience of discovering she had high levels of arsenic in her body. The Vella Pit mining operation raised concerns regarding her family's and her health, and the health of their animals.

Regarding agenda item V.C., Steven Skerlos, 2436 Westbrooke Circle N., introduced his young son Oliver Skerlos, who said he represented his family and also kids in the neighborhood. He asked why the gravel pit was being allowed to use clean essential water while leaving behind contamination and reaping financial gains.

Regarding agenda item V.C., Rita Clinthorne, Scio Township, gave her experience working with environmental education for the City of Ann Arbor, the Washtenaw County Health Department, and the Ann Arbor public schools. She urged the Board of Trustees to deny the permit for MMM to allow water withdrawal up to 4.8MGD, and to require that operations cease until the issues have been analyzed and a remedy can be put in place regarding the damage to neighbors' wells. Operations should only resume when MMM can prove they are in compliance with their CUP, including traffic, noise, and water requirements.

Regarding agenda item V.C., Anthony King, 5069 Church Road, Superior Township, had moved into his home approximately 35 days ago. Water travels beyond township lines; what was happening at the Vella Pit impacted everyone. Mr. King asked that meetings such as this one be made accessible for people who are hard of hearing. MMM and EGLE had broken trust with the Township and its nearby neighbors. The damage can never be fixed. He asked the Board to do everything they can to serve their community.

Regarding agenda item V.C., Thomas Moir, representing Dominican Sisters and their 4 properties located at Joy and Warren Roads, spoke of the financial risk to the ~140 Sisters who were part of the Dominican Sisters, should their wells go dry. Additionally, the Dominican Sisters had a 200-student K-8 school across the street from the Vella Pit. The students were put in danger by the constant truck traffic.

Regarding agenda item V.C., Michael Wilczynski, Pangea Environmental, LLC, said that he had outlined Vella Pit violations at a recent Planning Commission meeting. Mr. Wilczynski said the hydrogeological study being done for MMM would say that the aquifer cannot supply the water MMM wants. Aquifer properties cannot be changed, including the fact that arsenic and hydrogen sulfide are coming up from the deeper wells within the aquifer system. Mr. Wilczynski was also concerned regarding the "dead zone" found by Mr. Louth in Massey Lake. Vella Pit

mine operations should be stopped, and MMM needs to be held accountable for the damage that had been done.

Regarding agenda item V.C., James Shandley (phonetic), representing Bonnie Mackay, Ypsilanti Township, said that Ms. Mackay lives off of Fletcher Creek, and is on a shallow well, and is losing her aquifer.

Regarding agenda item V.C., Robert Guysky(?), Sharon Township, said that Sharon Township had just denied StoneCo's application to locate in Sharon Township, for what would have been the second largest gravel pit in the State. Mr. Basie said there were other ways to mine the gravel; MMM did not have to pump water. Mr. Basie referenced the attempt in Lansing to strip local jurisdictions of control over the location of sand and gravel pits.

Regarding agenda item V.C., speaking again, Jeffrey Souza pointed out there were 2 permits being discussed this evening. The Conditional Use Permit was granted, administered, and enforced by the Township. The extraction increase permit was granted by EGLE. Everyone should be aware that the Township is trying to get the State to deny the increase in water extraction. The Township had some decisions to make relative to the Conditional Use Permit. The Township was limited by state laws that had unfortunately been written by the mining industry. Mr. Souza asked everyone to work together and direct their energy appropriately.

Regarding agenda item V.C., Andrew Ballnik, 3965 E. Joy Road, Northfield Township, said that in February 2022 their pump had burned up due to lack of water. This was not just an Ann Arbor Township issue. Those who were being impacted but who didn't live in the Township also needed protection. The CUP clearly has been violated. The Township was likely to be sued, but hopefully not by its own residents. The Board should stand with its residents.

Regarding agenda item V.C., Tarek Abdelkader, 7508 Timberwood Ct., Superior Township, said he was a new resident, having moved in approximately 3 weeks ago. During the last heavy storm Mr. Abdelkader had some problems with his well. Mr. Abdelkader said in his experience tonight's conversation was unusual, and referenced the Flint water crisis, which was still being litigated. He felt MMM's statement that they would not raise their water use if the extraction increase permit was issued was disingenuous.

Seeing that comment had ended, Supervisor O'Connell read a letter from Steve and Robin Kunkel, 2797 Trailwood Lane, into the record. The Kunkel's letter outlined their own well problems, with their pump eventually burning out on July 7, 2023. After noting several violations of the CUP, the Kunkels asked that mining operations cease.

Supervisor O'Connell thanked all that had participated in public comment this evening, and noted the Board would discuss this issue under agenda item V.C.

IV. APPROVE THE AGENDA AND CONSENT AGENDA

A. Claims Listing

1. 7-13-23 to 8-16-23 for \$797,610.52

B. Approve the 2023 Invoice to SPARK for \$2,000.

C. Approve Utility Department invoices.

1) Meter Remotes for \$22,307.20

2) Replace Meters for University of Michigan for \$1818.30

D. Agreement for Preventative Sewer Maintenance for Televising and Cleaning Sewer

MOTION by Basch, support by Colvin-Garcia, to approve the Agenda and Consent Agenda as presented.

Motion passed unanimously by voice vote.

V. ANNEXATIONS, ORDINANCES, ZONING, RESOLUTIONS

A. Introduction of New Firefighters – Chief Mark Nicholai

This item had been moved to first on the agenda.

B. M14 Barton Ramps Planning Environmental Linkages (PEL) Study – Mike Davis, MDOT

Referencing a PowerPoint presentation entitled *M-14 at Barton Drive PEL Study August 10, 2023*, which PowerPoint is part of the permanent record of tonight's meeting, Mike Davis, MDOT (Michigan Department of Transportation) highlighted the following:

- There was a long history of operational issues at the M-14 Barton Ramps interchange, including crashes that involved fuel spills into the Huron River.
- The current interchange had originally been intended to be a short-term solution. The original concept was to extend Huron Parkway and access the freeway north of location with interchange.
- In 2021 MDOT received a resolution from the City of Ann Arbor requesting MDOT re-examine the interchange.
- Separately a Road Safety Audit (RSA) was utilized. An RSA is a multi-disciplinary team that is independent from the region in which it takes place. An RSA allows a team to perform a brief high level review of a location, and provide subjective feedback on potential issues and possible mitigation strategies to improve safety in the area. In 2021 the RSA was for the area from M-14 just west of Main Street to just northeast of Barton Drive. The RSA team were the ones who made over 30 recommendations, some as simple as signage, others more complex such as doing a new interchange at M-14 and Main Street.
- The PEL team brought the recommendations of the RSA into the PEL study.
 - Queue warning system in advance of Barton Drive is installed but not yet online.
 - Pavement marking and signing upgrades, many of which have been installed.
 - Flashing exit sign to warn drivers to slow down at the Barton Drive exit has been approved, with design in progress. Scheduled for installation in 2024-2025.
- High friction pavement surface treatment completed prior to the RSA has worked better than expected, with great results relative to reducing crashes.

- A PEL is a collaborative approach to transportation planning that includes study of environmental, community, and economic impacts early in the development process. A PEL combines planning, engineering, and NEPA (National Environmental Policy Act) work, and incorporates early public engagement. A PEL is especially useful when the issue is complex, such as what exists at Barton Drive. Using a PEL shortens the overall timeline of a project.
- Public engagement has resulted in 4,000+ interactions, 1,00 video views, and nearly 900 received comments, most of which are detailed and thoughtful. Public engagement is ongoing via continued meetings with stakeholders and an upcoming 2nd 3-week virtual open house/survey.
- As part of the first virtual public website, people were asked whether MDOT should do nothing, close the eastbound ramps, build a modified loop, build the dual roundabout (Dog Bone), or build a loop OR a roundabout. The most overwhelming support was to construct the dual roundabout. Combined with those who chose constructing a loop or the roundabout, the percentage of support is even greater.
- Purpose and Need were summarized in the PowerPoint document. The primary factors involve the safety and operational aspects of the interchange, minimizing the impacts outside of the existing right-of-way, maintaining access to all users, and minimizing maintenance costs.
- MDOT also used the Highway Safety Manual – a predictive methodology – to conclude:
 - Closing eastbound ramp is expected to reduce fatal/injury crashes by 8.1/year
 - Constructing dual roundabouts is expected to reduce fatal/injury crashes by 7.7/year
 - Modeling doesn't differentiate between fatal and injury crashes
- Recommended alternatives (out of 9) are:
 - Short-term: close eastbound ramps (can be done in 2024-2026, is cost effective, and will immediately improve safety)
 - Long-term: construct "dual roundabout" alternative (Dog Bone, \$45M+ cost). This will require some parkland permitting in order to potentially build retaining walls. This alternative reconfigures both the westbound and eastbound ramp, maintains community connectivity, and enhances non-motorized access underneath the bridge.
 - Project not currently funded. PEL has provided a best solution; MDOT can now seek funding to accomplish it.
 - In the meantime, the short-term recommendation of closing the eastbound ramp can go forward, as early as 2024.
 - MDOT is willing to try further RSA recommendations for safety improvement prior to closure of the ramps.
- MDOT is at the end of the PEL process. The 2nd virtual public open house will be going live in the next few days, and contact can be made at www.Michigan.gov/M14-BartonPEL

Board discussion and questions

In response to questions, Mr. Davis gave the following further information:

- There had been two fatal crashes at this intersection since 2004, which is the most recent information available. The crash number in the report is a combination of injuries – serious, minor, or fatal.
- In response to a question relative to how closing the eastern ramp could be justified when it was unknown when, if ever, funding would be available for the dual roundabout alternative, Mr. Davis said this situation was not taken lightly. The dual roundabouts were

considered the best alternative, and having the PEL recommendation allowed MDOT to seek the necessary funding.

- If approved, the closure of the eastern ramp would most likely occur between 2024-2026. In the meantime, other recommendations from RSA were moving forward.
- MDOT was considering closing the eastbound ramp before funding was acquired for the full dual roundabouts, because the current interaction between M-14 and the geometry of the area, the bridge, Main Street and Barton Drive all justified closing that ramp. Also, the fact that there is a stop sign on the freeway ramp is an unacceptable condition. The PEL study showed this is difficult to fix; the real fix is to redo the interchange.

Commissioner Allison asked that more detailed data be provided. If all or most of the crashes were “minor” the analysis would be interpreted differently.

1) Barton Hills Village PEL comments

Barton Hills Village Trustees Randolph Perry and Carla Smith were present to represent Barton Hills Village response to the M-14 at Barton Drive PEL study. Barton Hills Village Board of Trustees were asking the Ann Arbor Township Board of Trustees to pass the following resolution at its next meeting:

“Resolved, for MDOT to (1) retain and upgrade the existing Barton Drive ramps to increase capacity and improve traffic flow and safety; (2) implement additional safety improvement measures such as those recommended in MDOT’s 2021 Road Safety Audit; (3) at the end of its useful life, re-apply the high friction surface treatment (HFST) on the eastbound lanes headed towards the Huron River bridge, and re-apply the high friction epoxy overlay (HFEO) on the bridge, extending to the Barton Drive exit ramp; and, (4) eliminate the dual roundabout as a long-term solution”

Utilizing a PowerPoint presentation entitled *Ensuring a Safer M-14 Interchange & Retaining Barton Dr’s Existing Ramps*, Ms. Smith made the following points:

- (1) of the proposed resolution is quoted from Ann Arbor Township’s current master plan.
- On August 10, 2023, MDOT hosted a session for AATWP staff/ representatives and BHV residents, where they learned:
 - The PEL study is a construction study, not a safety improvement study.
 - From 1965 to present, there has been 1 fatality on the interchange.
 - From 2021 to present, there have been 0 emergencies to which AATWP or AAC’s first responders have been summoned.
 - MDOT is using numbers prior to the installation of safety treatments in regards to fatalities and injuries.
 - Baseline figures of major injuries is 8 annually (not 16 as originally thought)
 - UofM sent MDOT a letter stating that UofM was opposed to closing the ramps prior to securing long-term funding.
 - If the eastbound Barton ramp is closed, 10,000 vehicles per day will be displaced to local streets that were never designed for high volume traffic.
 - One resident may lose a portion of her property if the dual roundabout is constructed.
- The 2021 Road Safety Audit resulted in 31 safety improvement recommendations.

- 17 RSA recommendations have a time of return of one year or less, would reduce crashes by 44.7% over 5 years, and would cost ~\$486,000.
- MDOT has implemented approximately 1/2 of these recommendations.
- MDOT also installed high friction surface treatments and high friction epoxy overlays, which have been very effective.
- City of Ann Arbor requested MDOT to address the frequency of commercial truck crashes on the eastbound M-14 bridge over the Huron River; the City never requested that the Barton Drive ramps be closed.
- City of Ann Arbor engineers have concluded that the most significant risk at this intersection is not the ramps, but wet conditions, especially the eastbound lanes going toward the Huron River Bridge. MDOT has since applied the high friction treatments, with remarkable outcomes.
- BHV Trustees have agreed to commit the Village's share (\$290,000) of the Public Highway Fund, if approved by the State, for the safety of the M-14 Interchange at Barton Drive. This action is supported by 63% of BHV households who have signed a petition agreeing with the Trustees' position.

Treasurer Colvin-Garcia asked that the 2021 Road Safety Audit be shared with the Trustees.

Mr. Davis thanked Barton Hills Village Trustees for their perspective and their comments, and appreciated the offer of the Public Highway Fund dollars. He noted that the crash reduction projections from the RSA were generic in nature, and would need to be researched further in terms of applicability to the specific interchange situation.

Mr. Davis said that MDOT always did its utmost to avoid purchasing any portion of real estate for its project, and he had not meant to give any other impression at the meeting on August 10.

Supervisor O'Connell closed discussion on this item and called a brief break at 10:24pm. Supervisor O'Connell reconvened the meeting at 10:35pm.

C. Mid-Michigan Materials – Vella Bit Presentation of Hydrogeologic Report – Rob Wilson, Mid-Michigan Materials

Supervisor O'Connell explained that as mentioned earlier, Mid Michigan Materials was applying to EGLE for a surface water withdrawal permit for up to 4.8 million gallons of water per day. EGLE will make a decision regarding this permit within the next few weeks.

EGLE also administers the NPDES (National Pollutant Discharge Elimination System) permit. The Division of Water Resources is looking at water levels and turbidity in Massey Lake.

The Township had requested 19 additional items of information from MMM relative to the Township's Conditional Use Permit, including a hydrogeological study, which will be presented this evening.

Ken Vermeulen, Honigman, legal counsel for Mid Michigan Materials, acknowledged the concerns stated by residents during public comment. Mr. Vermeulen made the following points:

- Arsenic is naturally occurring in soils, particularly in Washtenaw County where virtually every aquifer has elevated levels of arsenic, although most levels are below 10ppb, which is the federal drinking water standard. Most wells have RO (reverse osmosis) systems to treat for arsenic in the water. In other words, Vella Pit is not poisoning people; the situation widely exists and is treatable.
- One of the 10 wells that have been repaired/replaced initially had arsenic levels slightly above 10ppb, and a treatment system has been put in place. Retesting showed the water is now below the 10ppb.
- MMM disagreed with EGLE in that MMM did not believe a permit was necessary as long as MMM withdrew up to 2MGDay. Current withdrawal rates are about 1.8 to 1.9MGD, and MMM had no intention of withdrawing more. However, EGLE required a permit if MMM had the capacity for withdrawing more water, and MMM was complying with this interpretation and applying for a permit to withdraw up to 4.8MG/day, which is what their pump had the capacity to withdraw.
- MMM started pumping in April 2022. Anything that occurred relative to wells or ponds prior to that time could not have been caused by MMM.
- Soil erosion inspections on MMM's berms are done by the township engineer and have not shown any problems.

Rob Wilson, Vice President, Mid Michigan Materials, gave a brief overview of the Vella Pit, which has been in operation for 67 years, and Mid Michigan Materials, a family owned business that has been in business for 61 years.

- MMM received their conditional use permit in 2020, and moved to modernize the Vella Pit to meet the large demand in this area, including work on I-275, and block production for homes and businesses. MMM evaluated several different options and decided on the operation that is there today.
- MMM was dewatering in order to move water to access sand and gravel. The water was returned to the Fleming Creek watershed. MMM has used this method for over 30 years and has never experienced issues such as those discussed this evening. Since discovering the impact on nearby wells on April 7, 2023, MMM has repaired or replaced 9 of the 10 wells that they know about, and were in the process of reaching out to the 10th resident. They were doing their best to make these residents whole.
- MMM immediately contracted with Haley & Aldrich for a hydrogeological study.
- MMM had to apply for the permit to pump up to 4.8MGD because that was their pump's capacity. MMM had no plans to increase water flow. The permit will, however, create more EGLE oversight. MMM had submitted the application for the water withdrawal permit in May.
- MMM will drill new aquifer monitoring wells on their site and nearby locations. This will be accomplished hopefully in September or October 2023 by an environmental well driller.

Utilizing a PowerPoint presentation, Haley & Aldrich representatives JP Brandenburg, Hydrogeologist, and Leslie M. Nelson, P.E., Environmental Engineer, provided the following information:

Mr. Brandenburg noted that he lived in Chelsea, and had many of the same interests as the people who spoke during public comment. Mr. Brandenburg started working on this project in April 2023.

- An aerial view of the Vella Pit showed the active mining area, reservoir of water for the wash plant, the settling pond, the NPDES outfall to the wetlands, and the settling pond for wash plant return water.
- A photograph of the turbine pump showed how it floats on a barge, lifting the water up from the pit into basin #2.
- The water used in the wash plant is returned to pond #5, which is a clarifying pond, where suspended solids are allowed to settle out before the water flows through a culvert back to the main pit.
- There was a lot of recirculation of the water on the site; the only water leaving the site is the excess.
- A schematic showed an example of a common Michigan water well system, which had to be mostly underground due to Michigan winters. The pump needed to be below the water table but above the screen. To make the well as durable as possible, the screen needs to be placed as far down in the aquifer as possible.
- From the 1970s through the 1990s, many wells in Michigan placed the screens just below the water table, which gave no insurance that the well would continue to operate if the water table fluctuated. If the well is shallow to begin with, the pump can only be moved down to the level of the screen and no further.
- In Washtenaw County, the good water is in the glacial aquifers, i.e., the sediments that were left behind by the glaciers. The drinking water comes out of the coarse grain sands and gravels, and those kinds of deposits are notoriously difficult to correlate even well to well. In the area of the Vella Pit, the aquifer material exists in what is called “small lenses”. These are not big continuous layers that go over vast horizontal distances, but are confined to small bodies of sand and gravel.
- A schematic showed the geological cross section that starts in the Vella Pit to the north and heads south toward Warren Road, until the end of the lens is reached. Some of the impacted wells could be fixed by lowering the pumps, some needed new wells drilled to the lower aquifer.
- The effect of lowering the water level in Vella Pit does not dry out the aquifer, but it does take the water level low enough to put it near the screens in some of the impacted wells. In those cases, new wells have to be drilled. So far in only one case the well had to be drilled deeper than the upper aquifer. Drilling to the lower aquifer left 10’-20’ of water above it. Mr. Brandenburg did not anticipate any further issues with any of those wells.
- A 3-D rendering showed the upper aquifer radiating out from the Vella Pit. In some places the upper aquifer was not present at all; in other places the upper aquifer was quite continuous.
- Over time, the water level is falling throughout the aquifer as a result of dewatering in the pit. This doesn’t happen instantly because a lot of the water is held in aquifer storage before it drains down. This is a difficult parameter to assess; monitoring wells will help.

Ms. Nelson continued the presentation by explaining the continued hydrogeological study will provide:

- Monitoring well installation on and off property, especially to the southwest
- Install recording transducers in monitoring wells for continuous water level data
- Use monitoring well data to further refine and calibrate the numerical model
- Continue to refine the model to forecast future aquifer conditions

- Perform well health checks where model forecast indicates a future problem is possible
- Act by adjusting the pump position or drilling a new well before a resident experiences an outage
 - Lower the pump or
 - Drill new well deeper in upper aquifer or
 - Drill new well in lower aquifer (where there may be naturally occurring arsenic)
- Because arsenic is naturally occurring, the only thing that can be controlled is what to do about it once it is encountered. Reverse osmosis is the preferred treatment for drinking water. Both EGLE and the World Health Organization say that skin contact with arsenic (showering, laundering, washing dishes, etc.) is not considered a risk. However, a reverse osmosis system can be put at various locations to remove the arsenic just for drinking, or for wider use.

Mr. Wilson concluded the MMM presentation by saying:

- The Vella Pit facility is essential to making Washtenaw County work.
- Mid Michigan Materials is a fourth generation family managed company, and they took the issues discussed this evening very seriously. What they say they will do they will do.
- When made aware of the issues, MMM acted quickly and thoughtfully.
- They are seeking a new permit as required by EGLE and which will give EGLE more oversight.
- MMM voluntarily instituted the hydrogeological study. The decisions that are made going forward, whether they're on MMM's part, on the Township's part, or on EGLE's part, are only as good as the data and information provided. MMM is trying to provide accurate information.
- MMM will increase its financial assurance escrow to assure future operation of RO systems or well adjustment.
- MMM is sincerely sorry for the inconvenience caused members of the surrounding community.

Board questions and discussion

In response to questions from Township Consultant Dr. Wright, the applicants provided the following further information:

- No monitoring wells are in place yet. Residential wells provide some information, but were never meant to be monitoring wells.
- MMM will share with Dr. Wright the information regarding the NPDS outfall measurements, including how the metering is being performed.
- The numerical modeling can reflect what happens as the mining plant moves throughout the site.

In response to questions from the Board, the applicants provided the following:

- Asked if they were measuring the discharge flow, Mr. Wilson said that per permit requirements there was a flow meter where the discharge goes into the wetlands. The NPDS discharge permit allows for up to 4MGD of discharge, and when these issues arose MMM was inaccurately measuring between 3MGD and 4MGD. When EGLE requested them to reduce that amount to under 2MGD, MMM discovered that their flow meter had been inaccurate; there had to be a full pipe in order for the flow meter to work accurately. A gate valve was installed in April, and when the outflow was accurately measured, it dropped to

below 2MGD (~1.7-1.8MGD). Xylem (valve manufacturer) can verify this information. MMM had never been discharging 4MGD.

- The outfall measurement needs to be in equilibrium with the amount of water that is being withdrawn from the groundwater, with a small allowance for precipitation and evaporation. That is what is happening.

The Board requested that MMM share their data regarding outfall measurement.

Commissioner Allison pointed out that aerial photographs showed that in March 2021 the site appeared to be operating per plan. In May 2022 pond #1 had formed in the southeast portion of the site at a size of about 8 acres, and by June had grown to about 10 acres. When did this large pond start to form?

Mr. Wilson said that a) there was a lot of precipitation during that time, and b) the operation breached the berm between the two ponds and spilled into the groundwater, so that in many places the pond which appears large on the aerial would have only been a few inches or a foot or so deep. That was also when they were starting the pumping process.

In response to further questions from Trustee Allison, Mr. Wilson said:

- MMM applied for the EGLE discharge permit in summer of 2021. There was a 180-day period, and the permit was issued in April 2022.
- Through the EGLE permitting process there was a public comment period. No other attempt was made to notify the Township of this change.
- Dewatering began in April 2022. Discharge started in August, after the pond filled. No attempt was made to notify the Township that MMM was pumping and dewatering.
- Mr. Wilson said the conditional use permit required MMM to seek appropriate permits, and they did that.
- When asked if Mr. Wilson didn't think this was a major change to the conditional use permit, Mr. Wilson reiterated that by applying to EGLE for the appropriate permit they felt they were following the terms of the conditional use permit.

Trustee Allison pointed out that he and the Board first learned about the dewatering issues in April 2023, contemporaneous with when MMM learned about the well problems. MMM did not notify the Township of any of these things.

Trustee Allison first learned about water discharge from Mr. LeBaron's presentation to the Board a month ago, and he was stunned that MMM thought this was okay to do under the conditional use permit. Trustee Allison reviewed all the documentation relative to this use, including conditional use permit conditions and site plans. The outlet structure is not on the approved site plans at all.

Mr. Wilson said he did not think the outlet structure was a site plan issue.

Trustee Allison affirmed the outlet structure is a site plan issue. He referenced Planning Commission minutes from 2020 that recorded discussions about stormwater berm diversions, which would "direct all precipitation into the mine, keeping all stormwater drainage on site. The applicant will show that during this phase, a proposed northwestern stormwater diversion berm

would be constructed, making sure that all the water is directed back to the active mine.” The Planning Commission had talked a lot about how Ann Arbor Township is very, very careful, and was probably a state role model at managing stormwater impacts, in particular on the wetlands in Fleming Creek. Stormwater runoff is small compared to the discharge that is going into Fleming Creek. Trustee Allison was at a loss to think MMM thought this change was okay.

In response to Mr. Wilson’s comments that MMM had sought permits from EGLE, Trustee Allison said EGLE does not control Ann Arbor Township’s conditional use permit. Additionally, the initial application in February 2020 said that the mine operation does not include groundwater pumping to facilitate dewatering, and that the operation pumps water from existing mine pits to use in the washing operation, and that is returned to the pond and the closed loop system with no resulting net loss of groundwater from the property.

Further, in June 2020, the Planning Commission minutes show that Commissioner Gorman asked about neighbors’ concerns about aquifers, whether their ponds and wells would be affected. The minutes read: “Mr. Krumenacher explained that mining below the water table would leave the water in place, would not dewater the site or lower the groundwater table, would not affect the groundwater that was connected to ponds on neighboring property.”

Because MMM said they were maintaining the water on site with no discharge and no dewatering, the Township engineer had agreed that this was not going to affect any wells.

Trustee Allison said there had been months of testimony from MMM representatives. He was appalled that Mr. Wilson did not think the changes subsequently made did not represent a major change to the conditional use permit. The permit from EGLE had nothing to do with the terms of the Township’s conditional use permit.

In response to further questions, the applicants provided the following:

- Regarding how the float system works, there was a correlation between the amount of water being discharged and the excess water leaving the site. A lot of the water being pumped is simply recirculating wash water within the system. Both the recirculated water and discharge is being pumped at the same time.
- The monitoring well will measure or confirm additional groundwater change, but will not speak to the amount of flow.
- The surface ponds are not intentionally lined with clay, but through settling are effectively lined with clay.
- Current reverse osmosis treatments on existing wells or new wells are sufficient to bring arsenic levels to below 10ppb. RO treatments could be sized to include the entire water supply, including watering gardens and/or animals.
- In response to questions about whether there was another pump size in between 2MGD and 4.8MGD, Mr. Wilson said they had purposefully purchased the larger pump because that was what was recommended. Much of the water that was being pumped was recirculating on the site. MMM was limited to 2MGD water withdrawal, but they pumped more than that because so much of the water remained on site.
- The address of the 9th location where the homeowner was claiming well impact was further away, on Trailwood. MMM had agreed to pay expenses although they were not certain it was MMM that was impacting that particular well. They had not originally heard of any

other issues with wells constructed in a similar way between the well on Trailwood and Vella Pit, but now they had heard from a second well, and MMM would take care of both wells.

- The current modeling is predictive, so much so that MMM would be able to contact a resident prior to their well going dry, test the well, and preemptively drill a new well before the original well was impacted.
- Not all well logs and records are accurate; residential wells were never designed to be used as monitoring wells. MMM was doing the best they could with the records they had.
- MMM did not know the bottom elevations of the 3 ponds on the site; one pond was dug in the 1960s.

Trustee Allison pointed out that for months MMM was reporting discharge to EGLE between 2.9 – 3.9 MGD. Wasn't this a violation of Part 327?

Mr. Wilson said that EGLE had not issued a violation.

Trustee Allison said that whether or not a violation had been issued, and whether or not the reading was accurate, discharge in the amounts reported (over 2MGD) was a violation of Part 327 water withdrawal.

Mr. Vermeulen said that the measurement was of discharge, not a level of water withdrawal. The amount was not a violation of the discharge permit, which allowed up to 4MGD.

Dr. Wright said that the NPDS permit only requires that the outflow be reported. It was not necessarily a violation if the outflow goes over the permitted level.

Trustee Allison asked for the current timelines for mining the site. MMM was currently in phase B and C. What was the timeline for completing that, and what were the plans for D, E, and F?

Mr. Wilson said they were three years into mining this site; original estimates were between 15-20 years for the total life of the mine. Supplying product for I-275 had changed things in that demand has been higher. When the I-275 project is complete they expect volumes to decrease.

Trustee Allison asked if phases D, E and F would cause additional nearby well impacts.

Mr. Brandenburg explained that MMM was dewatering to a certain elevation that will stay constant. Phases D, E and F will not result in increasing the pumping over the permitted 2MGD. Mr. Wilson added that as areas are mined out they could potentially be used as storage or retention ponds.

Supervisor O'Connell said the Board was very concerned regarding the dewatering and the resultant changes to the aquifer. The Board needed to understand the recharge capability of the aquifer.

Mr. Wilson explained that MMM was not in a position to make claims regarding the recharge capability until it had better data with which to make decisions. MMM was doing its best to understand why nearby wells had run dry.

Trustee Allison noted that the PUD agreement required the applicant to submit to the Township in the form of an annual report information regarding vehicle traffic using Earhart Road to enter the property. MMM has been operating since 2020. How many reports had been submitted?

Mr. Wilson said a report was requested this year, and MMM had been providing them quarterly. The CUP did not define the frequency of the reports. MMM's computer software would not allow that information to be provided retroactively without disclosing the names of MMM's customers. This would then be public information, but if the Township wanted that information MMM could provide it.

Trustee Allison asked for the prior annual reports. The Township did not need to request those reports; they were part of the CUP agreement and the frequency was well defined as annually, unless the Township requests them more frequently.

Trustee Olsson asked the applicants to address the hydrogen sulfide gas that had been brought up during public comment.

Mr. Wilson said MMM did not use any chemicals in their processes. MMM was required by EGLE as part of their NPDS permit to provide weekly samples to an independent laboratory. This was the first time he had heard of any issues with hydrogen sulfide gas; it did not come from their operations, as they used no chemicals at all.

Trustee Olsson asked about the possibility of dredging out the gravel instead of dewatering.

Mr. Wilson said they had looked at all methods. Dewatering is the method his family is familiar with and seemed to be the best fit for the layers of this deposit. Dewatering was the most practical method for this site, given the depth of the gravel or lack thereof. An environmental firm had reviewed their processes; that firm said they didn't believe there would be any impacts from the dewatering process. Mr. Wilson could not speak to that firm's assumptions, but at this point he was more interested in moving the hydrogeological study forward than pointing fingers at the past.

Trustee Olsson asked the applicants to speak to the concern about arsenic having an impact on agricultural products and livestock.

Mr. Wilson reiterated that a Reverse Osmosis system could treat water going into the garden or onto grass, or into barns.

Trustee Olsson summarized that if a resident or farmer or business discovers their well has gone dry, MMM will drill down into a different aquifer if necessary. If there is a problem with arsenic, MMM will provide treatment consistent with the usage of that particular home or business.

Mr. Wilson agreed that this was what MMM would do. MMM was willing to put this in writing with the Township and EGLE.

Clerk Basch noted that it was nearing midnight, and tonight's agenda item was for the Board to hear about the hydrogeological report. She suggested a next step of scheduling an agenda item to further discuss the issues involved.

Trustee Allison asked Dr. Wright that if the dewatering pumping was stopped in the mine area, and the discharge into the wetlands was stopped, and water from the northwest and northeast ponds was drained back into the southwest mine area, is it possible the original water table would be replenished?

Dr. Wright said this was possible, although it would take some time for replenishment to occur. It is sometimes hard to predict exactly how long recovery will take.

Trustee Allison summarized that replenishment was possible, although it was probably not what the applicants wanted to do.

Trustee Allison thanked the residents for their comments and emails. He thanked Supervisor O'Connell for the letter to EGLE opposing the water withdrawal permit, and for serving as a point of contact for this issue. He thanked Clerk Basch for getting information up on the website.

Trustee Allison continued that there would have been no impacts to the wells if the CUP conditions approved by the Board had been followed. Trustee Allison was disturbed by what he felt was a cavalier attitude on the part of MMM toward the Township's conditional use permit and development agreements, the Township's natural features, and Township residents. In his 27 years on this Board, Trustee Allison did not think there had been a business that treated Township Ordinances with such impunity.

Supervisor O'Connell said that in terms of process, the Township needed to follow up with examining its Conditional Use Permit relative to Mid Michigan Materials - Vella Pit. The Board needed to spend some time on careful analysis. The Board did not always move quickly; it did move carefully. It was important for the Board to do the best job it could at this time.

Clerk Basch agreed it was important to take the time to understand the Township's ordinances and the role of the Planning Commission and the Board of Trustees in the CUP process.

MOTION by O'Connell, support by Allison, to direct the Township Attorney to prepare a written legal opinion regarding potential violations of the Conditional Use Permit for Mineral Mining issued to AMC-WSG, LLC with respect to the mineral mine commonly referred to as the Vella Pit, the rights and remedies available to the Township in relation to any such violations, and the relationship between the Conditional Use Permit, the Township's available rights and remedies, and the permit application made to EGLE with respect to the Vella Pit as well as any existing permits issued to AMC-WSG.

Trustee Allison asked that this opinion be provided as expeditiously as possible, well before the next meeting. He also asked for a report from Dr. Wright.

Motion passed unanimously by voice vote.

D. Resolution of Support to Pursue Connecting Communities Grant Funding to Complete Final Engineering and Trail Construction for the Dixboro Pathway Gap – Eric Humesky, Stantec; Rick Judkins

Utilities Director Judkins explained that this request was a follow-up to the \$50K received last year for design to complete trail construction for the Dixboro Pathway gap. The Township was now requesting \$250K for the construction, which was about 50% of the needed total.

MOTION by Allison, support by Olsson, that the Ann Arbor Charter Township Board of Trustees adopt RESOLUTION OF SUPPORT TO PURSUE CONNECTION COMMUNITIES GRANT FUNDING TO COMPLETE TRAIL CONSTRUCTION FOR THE DIXBORO PATHWAY GAP, DATED AUGUST 21, 2023.

Roll call vote:

Allison	yes
Basch	yes
Colvin-Garcia	yes
O'Connell	yes
Olsson	yes

VI. REPORTS, DISCUSSIONS

A. Supervisor's Report

Supervisor O'Connell presented the following:

- In discussion relative to communicating with residents, it became clear to the Board that the Township needed to come up with a better communication strategy. This important item will be discussed further.
- The decision as to whether or not to designate a portion of Warren Road as a natural beauty road will be made at the September 19 Washtenaw County Road Commission meeting, at 1:00pm.
- Gateway for Joy Road will be discussed at the next meeting.
- A meeting is scheduled August 28 with MDOT, City of Ann Arbor, and Ann Arbor Township to discuss the US 23/Plymouth Road interchange.
- Residential sampling program for dioxane is continuing.
- Road tour with the Road Commissioners will be scheduled for September. Trustees should let Supervisor O'Connell know if they are interested in participating.

B. Clerk's Report

Written report is in the packet.

C. Treasurer's Report

- Treasurer Colvin-Garcia reported that she had sent out the most recent account balances earlier today.
- The Township is completing the informational input to the Energy Star Portfolio Manager relative to building energy data. The Township should receive

recommendations on energy efficiency modifications that can be made on Township properties.

D. Planning Commission Report – August 7, 2023

Draft minutes are in the packet.

E. Committee Reports

1) Farmland Open Space and Preservation Board Report

Draft minutes in the packet.

2) Utility Committee

Utilities Committee will meet soon.

3) Climate Resilience Committee

Climate Resilience Committee is still working with the RFP relative to putting the Township climate plan together; This will be presented to the Board as soon as it's ready

4) Zoning Board of Appeals

Did not meet

5) Public Safety Committee

Did not meet

6) Roads Committee

Will meet this week

F. Utilities Department Report

Utilities Department report is in the packets.

G. Public Safety Report

1) Washtenaw County Sheriff's Department

Written report is in the packets.

2) Fire Department – Chief Mark Nicholai

June Fire Department Report is in the packets.

H. Building Department Report

Report is in the packets.

VII. INFORMATION ONLY ITEMS

Clerk Basch gave her contact information so that people could contact her if they still had questions that had not been answered this evening, or if they had other concerns:
clerk@aatwp.org

VIII. NON-AGENDA ITEMS

None.

IX. PUBLIC COMMENT

John Petz, Domino Farms, 24 Frank Lloyd Wright Drive, thanked the Board for the time they committed to tonight's conversation regarding the Vella Pit. He appreciated the fact that the Board will be doing a thorough review of the Conditional Use Permit relative to Mid Michigan Materials. Mr. Petz suggested forming a Citizens Advisory Group, in order to gather additional data points for some items that may be very particular to a neighbor's interest.

Michael Olszewski, 2816 Warren Road, said he was a professor of medicine, and made comments regarding arsenic as a toxic heavy metal. There was no way to remove arsenic from the environment. Using a reverse osmosis system comes at substantial costs, and the OR process removes everything good from the water, in addition to the arsenic. Arsenic accumulates, and will accumulate from water to the ground.

Mr. Olszewski also commented on the water recycling issue. Water will decrease unless it is replenished and reused.

Paul Frantz, 4200 Nixon Road, thanked the Board for listening to the residents tonight. Regarding the issue of arsenic, the Environmental Health Director of Washtenaw County had written EGLE representative LeBaron, saying: "Arsenic in this area is found both below and above the maximum contaminant level. Some but not all levels of arsenic are treatable." This was different than the claim made by the applicant that all arsenic is treatable.

Clerk Basch explained that for drinking water, 10 ppb to 50 ppb can be treated. Anything above 50 ppb can't be mitigated.

Mr. Frantz said he shared a pond with two neighbors, and had another pond on his land. What was the remediation strategy should the ponds be affected? He also noted that MMM was asking residents to trade the certainty of having water for the uncertainty that their water might be impacted. MMM should stop using the current mining method. If MMM were good neighbors, they would stop what they were doing.

Tanya Whelan, 4014 Earhart Road, said they had well issues starting at the end of December 2022. On January 8, 2023, they had a new well pump put in. Their well level has dropped 15 feet. A few weeks ago the faucets starting sputtering again, and a new well is being installed. However, for the Whelan's more than drinking water has been impacted by the Vella Pit. Today a total of 96 trucks passed north and south in front of her home – 54 trucks going north, and 45 trucks going south. Trucks travel by her home 10 hours a day, Monday through Friday, and 5 hours on Saturday. On average 9.6 trucks are passing by her house every hour, or a truck every 6.2 minutes. Ms. Whelan played a recording of truck noise she heard standing in her kitchen, and what she heard when she was outside. In the CUP the Planning Commission found that the project would not be detrimental, hazardous or disturbing to existing or future neighbors. That is not what happened. Also, the Planning Commission found that limiting either the truck traffic

or daily load limit that related to truck traffic to be appropriate. The amount of current truck traffic was not appropriate.

Ms. Whelan spoke to Chapter 26 in the Code of Ordinances, which addresses environmental noises. The constant 82 decibel level noise, with clanking, banging, rumbling, and shaking their home was intolerable. Dust mitigation was non-existent and her house and driveway were constantly covered with dust. Ms. Whelan was concerned about the impact of noise and water issues on her property value. The road was unsafe for pedestrians due to trucks that were swerving to avoid potholes. Ms. Whelan had purchased her home for peace and serenity, but she no longer had that.

Lindsey Duke, 4255 Warren also spoke to the truck traffic resulting from the Vella Pit operations. She asked if the mine operators, knowing what they know now as to how residents' lives were negatively impacted, could just stop operations. She did not want to have to worry about whether they would have water. Reverse Osmosis could cause health conditions; RO was not a fix. The mining operations should just stop.

Ndu Ozor, 2440 Westbrooke Circle South, thanked the Board for hearing the residents this evening. He noted that MMM is in violation of Section 3.3 of the CUP in that they had revised or modified the site plan without prior written notice and without approval by the Township. The mitigation offered by MMM represents a company that is in noncompliance with the CUP proposing a solution that is a marginal offer to residents. Mr. Ozor agreed with EGLE's requirement that MMM must get a permit to withdraw more than 2MGD if they have the capacity to do that. Stating that they had no current plans to withdraw more than 2MGD is the same as saying they can change their minds at a later date, without notice to the Township.

Thomas Moir, representing Dominican Sisters and Spiritus Sanctus Academy at Joy and Warren Roads, said that MMM should be required to provide a cost benefit analysis of dredging the pit vs. dewatering.

Michael Watts, 4700 Grandeur Oaks, said the presentation given by MMM tonight was about a family-owned business with a 61 years' experience, who forgot a water meter, hired a bad environmental firm, didn't know the right type of meter to use on their outfall pipe, had bad data, and a had a computer bug. Their new LLC can be dissolved at any time and MMM can walk away from the pit, leaving the Township and its residents holding the bag. Mr. Watts noted that yesterday, Sunday, when the mine was closed and the wash plants weren't running, MMM's 18" discharge pipe was running full bore at probably ~5MGD.

Eugene Kim, 4823 Ridge Creek Lane, asked if it was good business practice to buy a pump that is more than double the needed size. Mr. Kim lives on Massey Lake, and he has noticed over the last several years that the water has become dingier and does not clear up as quickly after storms. Currently there are silt fields where there had always been lush vegetation coming up from the ground under the lake. Mr. Kim has a small 3-gallon reverse osmosis filter. He replaces the filter himself for about \$200/year. A professional will charge about \$400/year. The cost of annual maintenance for a family with children or with animals would be very high.

Mark Murawski, 1720 Warren Road, said that Massey Lake had “silted up” over the past few years. What is the remediation plan to clean that up? Also, some tributaries are bone dry, even after a heavy rain. He suggested the Township measure the flow independently.

Seeing that no other public indicated they wished to speak, Supervisor O’Connell asked for a motion to adjourn.

X. ADJOURNMENT

MOTION by Basch, support by Olsson, to adjourn the meeting.

Motion passed unanimously by voice vote.

The meeting was adjourned at 12:41am