

LONDON TOWNSHIP

Planning Commission Public Hearing for Aggregate Industries

As recorded by Amanda Taepke

Monday June 26, 2017

DRAFT

**Chairman Daryl Nichols** called the meeting to order at 7:30pm.

**Chairman Nichols** lead the audience in reciting the Pledge of Allegiance.

**Roll Call:**

Daryl Nichols – Present

Pam Ackerman – Present

Penny Turner – Absent

Doug Darling – Present

James Turner – Excused

Richard Horn – Present

Larry Fiebelkorn – Absent

Richard Magnus – Present

LeRoy Zieske – Present

**No approval of minutes since this is a public hearing and not a regularly scheduled meeting.**

**Approval of the Agenda:**

Motion by **LeRoy Ziekse** and seconded by **Richard Horn** to accept the Agenda as presented.

All in favor: 6      Opposed: 0

**1<sup>st</sup> Citizens' Time:**

Multiple residents who live near the quarry expressed concerns during this time.

Brian Rogers mentioned his confusion about the moratorium and when the application for Aggregate Industries (AI) was actually submitted. He is very disappointed in how everything was handled and he hopes the Board is more transparent in the future.

Mr. Rogers also stated his concern for the neighboring farm fields; He would like AI to pay for soil samples and he hopes for a better solution for dust control.

Another issue is the sulfur smell emanating from the water because of the quarry.

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#### **1<sup>st</sup> Citizens' Time Cont.:**

Planning Commission (PC) member and Board of Trustees' (BOT) member, Richard Horn, explained there was no discussion between the BOT and AI. Mr. Horn also stated the BOT does have concern for the residents who live near the quarry.

Paul Harnica, another resident who lives within close proximity of the quarry, brought photos of large stones that landed in fields near his home, from the quarry blasting. He is concerned about the large stones flying over his house and possibly causing damage.

Bob Weber and his wife Stacy spoke up about their many concerns including: The possibility of their home value dropping because of the quarry, the water table and their pond perhaps being drained, along with the health of the people and their pets breathing in the dust and whatever else is being released into the air by the quarry blasting. There was also more concern about when the application was received and Mrs. Weber asked if the Board could make AI reapply.

Dave Friend, the township's Zoning Administrator (ZA), stated there was a meeting in August of 2016 regarding the fees for review of the application from AI.

Our Township Engineer, David Kubiske, confirmed the application process started in August of 2016.

Doug Darling referenced the Township's Zoning Ordinance, page 5-42, B:1:c. It states:

“Any odors, smoke, fumes or dust generated on the extractive operations site by any digging, excavating, loading or processing activities shall be in conformance with the provisions of the Natural Resources and Environmental Protection Act, Part 55, Air Pollution Control, as administered by the Michigan Department of Environmental Quality and in conformance with the rules promulgated thereunder.”

Mr. Darling continued that the Township will pose questions on their (AI) status regarding air pollution and water pollution to ensure they are in compliance with all of those regulations for our residents' safety.

It was also said that the only jurisdiction the Township has is our Zoning Ordinance. Sometimes, the state supersedes our authority, and at that time, we will turn to the state if anything needs to be done that is beyond our control.

**1<sup>st</sup> Citizens' Time ended at approximately 8:17pm.**

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Motion made by **Richard Horn** to call the Public Hearing to order at 8:17pm; supported by **LeRoy Zieske**.

All in favor: 6            Opposed: 0

#### **Public Hearing:**

There were many employees present from AI, along with a few other representatives from companies including Vibra-Tech, Golder Associates, and ASTI Environmental Inc. Following is a list of all of those who were present for the meeting:

AI Employees:            Rob Hayes  
                                  Ethan Belden  
                                  Brian Gasiorowski  
                                  Dave Faber  
                                  Hans Johannes  
                                  George Lukas  
                                  Derrick Norris  
                                  Kelly McCrystal  
                                  Paul Conrad

Other representatives:    Todd Pester, Vibra-Tech  
                                  Sean Paulsen, Golder Associates  
                                  Bruce Bawkon, ASTI Environmental Inc.

Mr. Bawkon started by explaining the three (3) phases, with the first phase lasting 10 years; starting in 2017 through 2027. They're projecting a strong market. If the market plummets, the phasing will be slower.

Mr. Paulsen was brought into the discussion regarding water levels, the aquifer and the effects on wells in close proximity. He assured residents the aquifer will be closely monitored and since the closing of London Aggregate in 2002, it has recovered, even though AI has been actively pumping water out each day, for years. They are currently permitted to pump 5.5 million gallons a day, and they have actually been pumping anywhere from 4.5 to 5.5 million gallons a day. They plan on using the same system they are currently using.

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#### **Public Hearing Cont.:**

Residents wondered if they were pumping into the ditch at all, and AI said the only thing that's going into the ditch is the excess water from the outside of the berms.

Mr. Hayes and Mr. Conrad stated they tried to find all of the wells within one (1) mile near the expansion. They couldn't find exact information at the time, but they want to get a handle on a protection plan and they need to find out how many wells need protection.

Mr. Darling suggested they contact the Monroe County Environmental Health Department to get the information regarding the wells in the area.

Mr. Paulsen said there are roughly 30 on-site monitoring wells. AI is also planning on doing a chemical foot-printing under the well protection program, too.

Mr. Darling requested hydrogeological studies so they know the benchmark of how things may have changed over the years. He requested copies for the Township, along with copies for the PC and the Township engineer. Mr. Kubiske also requested a copy of the foot-printing of the wells to review.

Todd Pester from Vibra-Tech explained what his company does for the residents and how they monitor from each home when the quarry blasts. He showed the residents an example of the seismographs they use and how they would install them at each residence. How the residents would receive copies of the results was questioned. Initially, Mr. Pester explained they would submit the results to AI, and then AI would distribute them to the Township and/or the residents. Many residents and board members did not like the idea of the results passing through so many hands, so Mr. Pester stated Vibra-Tech could create a webpage, with a username and password, for everyone (AI, the Township, and the residents) to access. The representatives from AI, along with the residents and board members, agreed that was a better solution.

Additional information brought up in the meeting:

Kubiske suggested to the PC that they put in the Special Use Permit a stipulation stating once a year AI come before the PC and allow the public to discuss any issues regarding the quarry.

Mr. Pester explained his company would come and take thorough pictures in and around the homes of residents and will supply copies to those residents for their own records.

The hours of operation may change, but this is what was discussed at the meeting:

7am – 6pm Monday thru Friday

7am – 12pm Saturday

Blasting times: 8am – 2pm Monday thru Friday

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#### **Public Hearing Cont.:**

A 20ft berm around the perimeter was decided upon, instead of the original 10ft berm that was in the plans.

The residents were concerned that Vibra-Tech would be working for AI. Mr. Kubiske stated Vibra-Tech could work for the Township, and AI can give their money to the Township who will put it into escrow to pay the bills received by Vibra-Tech.

Everyone in the meeting was informed it is now an OSHA requirement for the horns to sound off, warning the residents that the quarry is going to be blasting. Residents can also receive a phone call or an email from AI when they are going to be blasting.

The Township and property owners surrounding the quarry will receive copies of the water testing results and all permits (ie: MDEQ).

The Township will receive copies of all blasting reports directly.

AI will do Ph test on the soils within a one (1) mile radius of the quarry.

A drafted contract was read by AI, and since there were some changes because of residents' concerns, LeRoy Zieske asked they present a new one with the proper changes.

Representatives from AI stated many times throughout the meeting they intend and want to be good neighbors. Mr. Kubiske said they have exceeded our ordinance thus far, and the function of our one year reevaluation is to express concerns or issues and prior to this, we have not had that capability in London Township.

AI will be supplying packets to the PC with more detail (ie: what is covered with the wildlife and wetlands on their property) before the next scheduled meeting.

Motion by **Richard Magnus** to close the public hearing at 10:20pm, seconded by **LeRoy Zieske**.

All in favor: 6          Opposed: 0

#### **2<sup>nd</sup> Citizens' Time:**

Resident Mr. Rogers stated he is still concerned about the sulfur water smell because it hadn't been addressed by AI. An AI representative said there are currently peroxide systems in operation.

The possibility of wells drying up were discussed again and Mr. Gasiorowski from AI said they would remedy the problem as efficiently as possible, by either trucking in water for those residents or maybe extending water lines from Dundee. Digging deeper wells were discussed earlier and it was stated by Mr. Kubiske that would not be a good solution.

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Motion made by **LeRoy Zieske** and seconded by **Richard Horn** to adjourn.

**Meeting adjourned at approximately 10:35pm.**

**Planning Commission Special Meeting scheduled for Monday July 24, 2017 at 7:30pm.**

Submitted by

Amanda Taepke