

LONDON TOWNSHIP

Planning Commission Special Meeting for Aggregate Industries

As recorded by Amanda Taepke

Monday July 24, 2017

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 – Present

Doug Darling – Present

James Turner – Present

Richard Horn – Present

Larry Fiebelkorn – Present

Richard Magnus – Present

LeRoy Zieske – Present

No approval of minutes since this is a special meeting and not a regularly scheduled meeting.

Approval of the Agenda:

Motion by **Richard Horn** and seconded by **James Turner** to accept the Agenda as presented.

All in favor: 9 Opposed: 0

1st Citizens' Time:

Several residents stated they would have liked to see the final proposal from Aggregate Industries (AI) before the meeting, rather than it being handed to them as the meeting started.

New Business:

1. AI Site Plan Review

Rob Hayes started off by going over some of the changes to their Site Plan and proposal that had been discussed at the previous meeting, regarding concerns the residents, David Kubiske (Township Engineer) and the Planning Commission (PC) members had.

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New Business Cont.:

Following is a list of items Mr. Hayes addressed, along with some discussion had between AI, PC members, Mr. Kubiske, and residents.

A. Annual Review of Permit

This will allow residents to inform AI and the PC of any problems they may have regarding the quarry and its operations. It will also confirm they're in compliance with all regulations and ordinances. At this time, AI will also inform the PC and residents of their progress and how they plan on continuing for the following year.

B. Inspections and Testing (soil testing, water testing, and structural testing)

All inspections and testing will be done by an independent 3rd party who will be employed by London Township, not AI. However, AI will be paying for the services through an escrow account established by London Township.

Daryl Nichols asked if the residents had to give AI permission to do the testing and inspections, and how long do the residents have to give their okay. Mr. Hayes replied that yes, the residents must give their okay, and they have 90 days from the date the Township enters into the agreement with the testing company.

Pam Ackerman asked how will the residents know they have this opportunity for the testing. Mr. Hayes said AI could notify those residents who qualify, but it was later discussed that Dave Friend (Township Zoning Administrator) will work with AI and Mr. Friend will deliver (in person or by mail) the notices to those residents involved.

Mr. Nichols also requested the Township be informed of those residents who have not responded to the notice for testing so the Township can follow up to make sure the residents are aware of the opportunity and they are able to take advantage of it.

C. Dust Control

AI will aggressively monitor wind speed and direction, which will help them determine when to blast to hopefully minimize the amount of dust that is created. They will also be watering the blasting area before, during, and after each blast.

There are also a couple of community benefits that AI has offered. They plan to chlorinate the roads around the perimeter of the quarry, along with donating 500

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New Business Cont.:

tons of base material to the Township for roads. The Township will have to truck the material themselves.

Ethan Belden from AI stated they are talking with different vendors about getting updated equipment which will also help with dust control.

D. Ground Water Protection Plan

This was discussed at previous meetings, and the only change that had been made was AI has now included ponds in the protection plan.

Mr. Nichols asked what they test for in the ground water. Mr. Hayes stated they test for chemical parameters and yield. Todd Pester from Vibra-Tech (the 3rd party testing facility) said there are several things they test for; Sulfide sulfates, pH hardness, among others. They also added bacteria to the list of things to test for in the water.

Other concerns that were covered during this time include seismograph results, wetlands, and the eagle's nest.

Seismograph results: Doug Darling approached the option of having only residents who have a unit on their property being able to view the results online. His reasoning was some residents are very concerned with their privacy, and may not want the results public. Residents who were present agreed.

Wetlands: AI has two protective wetlands on site, but do not plan on touching them at this time, or in the foreseeable future.

The eagle's nest: AI was issued a permit that stated if the eagle is "disturbed" (fly's away, etc.), they will not be held liable. However, they do not plan on going near the eagle's nest at this time.

Added points brought up by AI include:

A 20 foot berm will be constructed around the three sides adjoining private properties to help minimize sound and dust to their neighbors.

The end result will be a 92 acre lake.

Mr. Hayes said it is possible for public to have access in the future for hiking, biking, etc.

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New Business Cont.:

It was also stated that AI had the stone tested for silica (which was a concern at the previous meeting) and said it was very low (2-3%). They will continue testing for such things.

Additional discussion:

Larry Fiebelkorn brought up a discrepancy within the proposal. In two different sections talking about hours of blasting, one mentioned they will not be blasting on Saturdays, and the other section did not mention Saturdays at all. Mr. Hayes confirmed they will not be blasting on Saturdays, but Mr. Fiebelkorn expressed his concern of having it omitted in the other section. AI said they will have that corrected.

Ms. Ackerman asked if a Citizen's Advisory Committee will be formed, much like Holcim had in the past. Mr. Hayes agreed it was a good idea and would consist of about 10-12 people. The residents who were present said they would also like to be involved.

Ms. Ackerman also questioned what steps would be taken if a resident's well goes dry due to the quarry. Mr. Hayes said the independent testing firm would have to validate the fact that the well has gone dry. After that, AI will try to recondition the well. If it's a screening issue, they will try cleaning it out and testing it to make sure it's safe. If that doesn't work, they will try a home treatment system, if it is a water quality issue. If it's a quality issue that cannot be addressed by those two things, or if it's a quantity issue (the well isn't yielding enough water or if it's dry), they will dig a new well or a deeper well. If all that fails, they will truck water in for the resident.

2nd Citizens' Time:

Resident Brian Rogers said it appears that a good faith effort has been made and it's not unnoticed. He also mentioned he would like a different blasting compound, if possible, around his mother's home. AI responded that's part of their strategizing and they are open to different techniques and different vendors. They will be regulating themselves.

Mr. Rogers asked if AI could give the Township reduced rates for stone, as well, explaining he knows 500 tons is not much and will not go very far. Mr. Belden said they are continuously working toward something better to help the Township.

Another resident who is also within the one-mile radius asked if he could opt into the protection plan and testing later on. He said he is not currently affected by the quarry, but if he does at a later date, can he join at that time. The 90 day period was brought up again and the resident was advised that, even though he's not having any issues at this time, it's in his best interest to start the process and sign up to have the testing done.

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2nd Citizens' Time Cont.:

Resident Stacey Weber asked if the eagles relocate, could that change the plans AI has in place. Brian Gasiorowski from AI replied that yes, it could alter their plans.

2nd Citizen's Time ended at approximately 9:10pm.

Chairman Nichols looked to Mr. Kubiske to see how to proceed, stating it seemed everything has been satisfied. Mr. Kubiske said he believed AI has met and exceeded the expectations and requirements of the ordinance. It would be up to the PC to approve, approve with amendments, or deny AI's Site Plan. It is unusual, but the PC has final say in this matter. Mr. Kubiske went on to say he had some recommendations for amendments if someone from the PC would like to make a motion to approve. Several things were brought up and he wanted to be clear on what those things were.

The recommendations included:

- The Township will give the notices for testing to the residents involved.
- Any conflicts or discrepancies within the permitting application presented, the most restrictive wording should be used.
- Three applications of Calcium Chloride on the adjacent roads.
- When blasting, the environmental conditions allow for minimal dust migration.
- The Township Board will determine the privacy information that will be addressing the issue of who wants what kind of information coming out in this whole process.

Doug Darling made the motion to approve the application dated July 14, 2017, by Aggregate Industries, including the letter to Dave Friend dated July 14, 2017, with the following caveats: Respecting the privacy of property owner's information if requested. The letters to the property owners within one-mile radius of AI property lines, to be sent or delivered by the Township at AI's expense, notifying them of the water and soil testing programs. The letter's need a determined yes or no for participation. If there is no response, a second letter is required and will be sent by registered mail to the property owner. AI has agreed to the 500-ton donation to the Township annually. Any conflicts or discrepancies within the permitting application presented, the most restrictive wording should be used. When blasting, the environmental conditions allow for minimal dust migration.

(FYI: I reviewed the recorder several times, and even though I thought it was in the motion, notifying residents of structural testing and/or seismic testing was NOT in the motion. I just wanted to be sure you knew in case you'd like to make any corrections. -Amanda Taepke)

Rich Horn seconded the motion made by **Doug Darling**.

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Motion Cont.:

Chairman Nichols proceeded with a roll call vote.

Roll Call Vote:

Daryl Nichols – Yes

Pam Ackerman – Yes

Penny Turner – Yes

Doug Darling – Yes

James Turner – Yes

Richard Horn – Yes

Larry Fiebelkorn – Yes

Richard Magnus – Yes

LeRoy Zieske – Yes

LeRoy Zieske made a motion to notify the Township Board that they need to appoint a company to do the water testing and vibration testing at the homes, along with pictures. They also need to set up their financial guarantee and they need to look at where they're going to use that 500 ton of stone in the Township.

Doug Darling seconded the motion made by **LeRoy Zieske**.

All in favor: 9 Opposed: 0

Motion made by **Richard Horn** and seconded by **Penny Turner** to adjourn.

Meeting adjourned at approximately 9:24pm.

Regularly scheduled Planning Commission meeting set for Monday August 7, 2017 at 7:30pm.

Respectfully Submitted by

Amanda Taepke