

**CHARTER TOWNSHIP OF VAN BUREN**  
**BOARD MEETING MINUTES**  
**DECEMBER 19, 2017**

Supervisor McNamara called the meeting to order at 7:00 p.m. in the Board Room. Present: Supervisor McNamara, Treasurer Budd, Clerk Wright, Trustee Frazier, Trustee Martin, Trustee Miller and Trustee White. Others in attendance: Secretary Montgomery, Developmental Services Director Akers and Deputy Director Best, Executive Assistant Selman, Public Services Director Taylor, DDA Director Ireland and Deputy Director Lothringer, and an audience of forty-nine (49).

Supervisor McNamara requested a moment of silence for Lt. John Henderson who recently passed away. Lt. Henderson, a Gulf War Veteran, served as a firefighter at Van Buren Township for 15 years. He earned a medal of honor from Van Buren Township and the national Award of Valor for rescuing a 2-year-old from a fire in December of 2015. Supervisor McNamara thanked CEO Chuck Covington, CEO of People's Transit, and his wife Kristin for the generous donation of a 12 passenger, handicap accessible, van.

**APPROVAL OF AGENDA:** Frazier moved, Miller seconded to approve the agenda as presented. Motion Carried.

**CONSENT AGENDA:** Budd moved, Martin seconded to approve the Consent Agenda as presented. [Special Board Meeting Joint Committee and Commission minutes of November 30, 2017, Work Study Session minutes of December 4, 2017, Closed Session minutes of December 4, 2017, Board Meeting minutes of December 5, 2017, Prepaid List of December 7, 2017, Prepaid List of December 14, 2017, Voucher List of December 19, 2017, Approval of the combination of lots 83-022-01-0029-005, 83-022-01-0030-004 and 83-022-01-0030-001 (Denton Sub Farms) with conditions, and approval of the amended (corrected) 2018 Holiday Schedule]. Motion Carried.

**CORRESPONDENCE:** None.

Presentation by Waste Management on the 5th Amendment to the Van Buren Township-Waste Management Host Community Agreement. Waste Management Operations Director, John Myers, provided a brief history of the landfill and highlighted changes in the 5th amendment. Established in 1990, it is anticipated that the current landfill will reach capacity in 2025 and will close. Waste Management is proposing to expand the landfill into the Woodlands Golf Course, south of the existing facility, extending the capacity out to 2056. Currently the Township receives approximately \$5 million annually from landfill tipping fees and grants. Changes to the current agreement include: expansion to the south, tipping fee increases at 2% annually, tax capture on landfill use of expansion area, \$350K landscape buffer fund, \$8 million one-time payment, \$20K Senior services grant annually, \$5K Service center grant annually, \$1 million liability insurance, closure of golf course with lease of clubhouse to the Township for \$1.00 a year until 2040, golf escrow account funds estimated at \$315K, housing reimbursement at 150% of market value to 5 property owners, rescind deed restrictions, \$250K public improvement grant annually, elimination of free curbside pick-up five years after approval, continuation of free disposal, competitive rates to continue curbside pick-up service, and the continuation of all current grant funding on an annual basis. Waste Management has established a Landfill Concerns Hotline 877-765-9153 for anyone wishing to report a concern. The hotline is staffed 24 hours a day, seven days a week.

Presentation by Planning and Economic Development Deputy Director Best. Deputy Director Best provided a fact-based analysis to the Board that included a summary value under 5th amendment, cost analysis for household waste, recycling, and yard waste pick up without the 5th amendment, projected Township revenue analysis with and without the 5th amendment, projected annual host fees anticipated under the 5th amendment, history of each

amendment to the Host Community Agreement since its inception, and an assessment of the positive impact of the Township's Standard and Poors rating under the 5th amendment.

**PUBLIC COMMENT:** Public comments in opposition to the 5<sup>th</sup> amendment included: Request for a better agreement, allocation of funds received from Waste Management to cover and/or off-set the future cost of curb-side pick-up, insufficient notification to the public before voting, displeasure over elimination of free curb-side pick-up in 5 years, compensation to property owners adjacent to the landfill, cost of curbside pick-up to residents on fixed incomes, deed restrictions on the golf course land usage in current agreement that does not permit expansion, inadequate overall compensation package presented, disclosure of gas rights from Waste Management to Ameresco, landscape buffer inadequacy, campaign funds received from Waste Management by some Board members, grants earmarked for specific Departments, types of materials accepted at the landfill, questioned if the Township receives electricity benefits from the landfill, use of landfill funds to support Township General Fund operations, request for the Environmental Commission to have more input in the Waste Management grant money received, lack of analysis documenting the cost for the landfill to secure and operate at another site for comparison, support for increased taxes vs. landfill expansion, elimination of \$200k in lieu of taxes to the Township, percentage of funding for public safety from landfill revenue, request for random and outside sampling of landfill, opposition to the clubhouse lease option, and request to postpone voting on the 5<sup>th</sup> amendment for further negotiations and additional input from residents.

Public comments in support of the 5<sup>th</sup> amendment included: Police Officer Labor Council (Command, Patrol and Dispatch) and Michigan Fire Fighters Association union support for continued funding from landfill revenue, the need to secure funding levels for decades to come, the impact to the community regarding the \$55 million Visteon bonds, the impact of not securing \$250 million in revenue, and the impact of the loss of 30% of overall revenue to the Township that supports a wide range of services.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:** Frazier moved, Miller seconded to postpone approval of Resolution 2017-33 the 5<sup>th</sup> Amendment to the Van Buren Township-Waste Management Host Community Agreement. Roll Call vote. Yeas: Frazier, Miller and White. Nays: McNamara, Budd, Wright and Martin. Motion failed.

Wright moved, Martin seconded to approve Resolution 2017-33 the 5th Amendment to the Van Buren Township-Waste Management Host Community Agreement. Roll Call Vote. Yeas: McNamara, Budd, Wright, and Martin. Nays: Frazier, Miller and White. Motion Carried.

Board members in support of the 5<sup>th</sup> amendment commented on: The long-term benefits to the community provided under the agreement, securing \$250 million over the term of the contract thereby solidifying revenue for years to come, stabilization of services, improved Standard and Poors rating, improved ability to bond future public improvements, potential to establish a fund to assist residents unable to afford curb-side pick-up, the financial and service level impact to the residents if the landfill closed, ability to address long-term debt and other post-employment benefits, the financial impact to residents under the 5<sup>th</sup> amendment as opposed to having the landfill close, and the burden of tax increases vs. the cost of curb-side pick up to residents.

Board members opposing the 5<sup>th</sup> amendment commented on: the inadequacy of the process of negotiation and involvement of all Elected Officials, lack of significant public input and public notification efforts given the complexity of the agreement, reliance of the Township on landfill revenue, concern over campaign contributions by Waste Management to some Board members, request for input from the community and board involvement in

the use of the \$8 million payment identified in the agreement, lack of grant fund increases over the term of the contract, potential future amendments, and read excerpts from the proposed agreement regarding setback area usage, elimination of curb-side pick-up, competitive bid process for curb-side pick-up, household hazardous waste, tax guarantee, and payment schedule associated with agreed upon funds.

Supervisor McNamara outlined the additional negotiations that added funding for the replacement of the golf course, 2% fixed royalties per year, and the ability to bid out collection. He answered questions posed by audience members informing them that those communities with landfill gas agreements have not received any profits, Management has previously sold all gas rights to Ameresco for existing landfill and any expansion, deed restrictions were placed on the property in order to ensure Waste Management would have to come to the Township for approval of any changes from a golf course, landfill revenues have historically been used for operations in order to maintain low taxes, the alternative to using landfill revenues would require an increase of approximately 4.5 mils in order to maintain service levels, comparable homes within a one mile radius will be used to assess the fair market value of the adjacent properties identified, end use of the landfill has not been determined and the Environmental Commission should be involved in decision making, the Township receives more than any other community in Michigan with a landfill Host Community Agreement, and the Board will discuss the potential of financial assistance to residents unable to afford curb-side pick-up.

Board members thanked negotiation team members; Supervisor McNamara, Deputy Director Best, Director Akers, Deputy Treasurer Bellingham, Executive Assistant Selman for their hard work in putting together an analysis; the Board of Trustees and members of the community for their input.

**REPORTS: ANNOUNCEMENTS:** The following announcements were made: The Township Administrative offices will be closed December 25, 2017 through Tuesday January 2, 2018 in observance of the Christmas Holiday, tax payments may be placed in the drop box in front of Township Hall or in the drop box located in the Public Safety Department lobby during the shutdown, all tax payments placed in the drop boxes during the Township shut down will be recorded as received by December 31<sup>st</sup>, 2017, U.S. post marks are not acceptable, and Board members wished everyone a Merry Christmas and a safe and happy holiday season.

**NON-AGENDA ITEMS:** Resident comments included: a historical look back at changes in the community, the recall of Board members in 1982, requested the Board consider letting the public vote on a landfill expansion, failed leadership of the Township and the hazards of methane gas.

**ADJOURNMENT:** Miller moved, Martin seconded to adjourn at 9:53 p.m. Motion Carried.

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Leon Wright, Township Clerk

Date: \_\_\_\_\_

\_\_\_\_\_  
Kevin McNamara, Supervisor

Date: \_\_\_\_\_