

**MACOMB COUNTY BOARD OF COMMISSIONERS
FULL BOARD SPECIAL MEETING
JUNE 13, 2006**

The Macomb County Board of Commissioners met at 9:25 a.m. on June 13, 2006 at the Macomb County Board of Commissioners Boardroom, Mount Clemens. Chair White called the meeting to order and the following members were present:

Andrey Duzyj	District 1
Marvin Sauger	District 2
Phillip A. DiMaria	District 3
Jon Switalski	District 4
Susan L. Doherty	District 5
Joan Flynn	District 6
Sue Rocca	District 7
<i>Vacant</i>	District 8
Robert Mijac	District 9
Philis DeSaele	District 10
Ed Szczepanski	District 11
Peter J. Lund	District 12
Don Brown	District 13
Brian Brdak	District 14
Keith Rengert	District 15
William J. Revoir	District 16
Bobby L. Hill	District 17
Vacant	District 18
Paul Gielegem	District 19
Nancy M. White	District 20
Leonard Haggerty	District 21
Elizabeth Slinde	District 22
William A. Crouchman	District 23
Kathy Vosburg	District 25
Nicholyn Brandenburg	District 26

Commissioner Hill absent and excused.

AGENDA

A **MOTION** to Adopt the Agenda, was made by Commissioner Duzyj, supported by Commissioner Slinde, and the **MOTION CARRIED.**

PUBLIC PARTICIPATION

Jack Doerr, 22407 Bayview, St. Clair Shores

There should be some kind of monitor to read if trash is contaminated and if so it should be sent back to Canada.

John Gardner, Lenox Township Supervisor

Indicated Lenox Township is in support of the Host Agreement with Waste Management.

A **MOTION** was made by Commissioner Rengert to Approve the Host Agreement with Waste Management, supported by Commissioner DeSaele.

Commissioner Rengert indicated although this is not the perfect agreement, it is something that can be done until trash can be eliminated all together. The resolution to negotiate a reasonable amount of trash by the county was passed in March of 2003. He encourages all commissioners to approve this agreement.

Jill Smith, Assistant Corporation Counsel went through the amendments and changes that were made in the agreement as a result of the last special meeting on this issue April 12, 2006.

A **MOTION TO AMEND** was made by Commissioner Gielegem to substitute the language for last sentence of Section 5.03, supported by Commissioner Rengert, as follows:

The estimated total capacity of the expanded Landfill, assuming all permits are acquired, is 168.3 million bank cubic years. The Company hereby agrees to limit the volume of Canadian Waste to 168.3 million x .25 bank cubic years = 42.075 million bank cubic yards. In the event it is determined (subject to the County's audit rights) that additional Landfill airspace is available within the Expansion, the amount of airspace consumed by Canadian Waste shall not exceed twenty-five percent of the total available capacity. Similarly, in the event it is determined (subject to the County's audit rights) that the entire Expansion is not capable of being permitted, the provisions of Section 5.07 shall apply.

A lengthy discussion ensued.

Commissioners put forth questions to Jill Smith.

John Gardner, Lenox Township Supervisor, indicated on the record, that he does agree and supports Commissioner Gielegem's amendment to the agreement.

A vote was taken, and the **AMENDMENT CARRIED**.

A **MOTION TO AMEND** was made by Commissioner Brdak, supported by Commissioner Switalski, to **add** the following language to Section 5.01: **Waste Management shall agree Not to Accept out of County sewage sludge.**

A discussion on the proposed amendment ensued.

Commissioner Brdak indicated pursuant a recent article in the Detroit News, it has been made aware to the public that Carleton Farms Landfill, Sumpter Township, as of August 1st, will not longer accept sewage sludge at its Landfill. It has been reported that, at that facility, in some years they have received in excess of 360 thousand tons from local Down River communities, Toronto and also Windsor. He also stated he is the commissioner that

represents this area in Lenox and he is fearful that this will end up coming to Pine Tree Acres in our community. Urges the board to support this amendment. He feels the board must protect the citizens of Lenox Township. As of August 1st it will have to go elsewhere and he is afraid it will come to Lenox Township. Commissioner Brdak is aware that Pine Tree Acres accepts Macomb County sewage sludge, however, he does not want out of county sewage sludge being dumped at Pine Tree Acres.

The discussion continued and several commissioners indicated their support and/or opposition to this proposed amendment.

Chair White indicated she asked Stephen Cassin, Executive Director of Planning and Economic Development Department to telephone Waste Management and see if they would be willing to accept Commissioner Brdak's proposed amendment. Steve Cassin indicated they are not willing to agree to the amendment at this time, but would consider it in the future.

Commissioner Flynn stated what Lenox Township wants is what they should get. Commissioner Flynn, through the chair, inquired of John Gardner, Lenox Township Supervisor, if he was in support of Commissioner Brdak's amendment.

John Gardner (**verbatim**) I disagree with the amendment. They currently handle sludge. They accept it, they handle it, and they monitor it. A complaint comes in, it is not necessarily from sludge, it is from odor. So I disagree with the amendment.

FRIENDLY AMENDMENT

Commissioner Doherty offered a Friendly Amendment to have the amendment instead of out of county sewage sludge to read: ***sewage sludge not generated in Macomb County.***

Commissioner Brdak **ACCEPTED** the **FRIENDLY AMENDMENT.**

CALL FOR THE QUESTION was made by Commissioner Flynn. A vote was taken, was 2/3's, and the debate ended.

ROLL CALL ON COMMISSIONER BRDAK'S AMENDMENT

	YES	NO
BRANDENBURG	X	
BRDAK	X	
BROWN		X
CROUCHMAN		X
DESAELE		X
DI MARIA	X	
DOHERTY	X	
DUZYJ		X
FLYNN		X
VACANT		

MACOMB COUNTY BOARD OF COMMISSIONERS - SPECIAL FULL BOARD
June 13, 2006

GIELEGHEM	X	
HAGGERTY		X
HILL	<i>ABSENT</i>	
KENNARD		X
McCARTHY		X
LUND		X
MIJAC	X	
RENGERT		X
REVOIR		X
ROCCA	X	
SAUGER		X
SLINDE		X
SWITALSKI	X	
SZCZEPANSKI		X
VOSBURG		X
WHITE		X
TOTAL	8	16

THE AMENDMENT FAILS.

CALL FOR THE QUESTION, was made by Commissioner Brown, a vote was taken, was 2/3's and the debate ended.

ROLL CALL VOTE ON THE ORIGINAL MOTION AS AMENDED

	YES	NO
BRANDENBURG	X	
BRDAK		X
BROWN	X	
CROUCHMAN	X	
DESAELE	X	
DI MARIA		X
DOHERTY	X	
DUZYJ	X	
FLYNN	X	
<i>VACANT</i>		
GIELEGHEM		X
HAGGERTY	X	
HILL	<i>ABSENT</i>	
KENNARD	X	
McCARTHY	X	
LUND	X	
MIJAC		X
RENGERT	X	
REVOIR	X	
ROCCA		X
SAUGER	X	

SLINDE	X	
SWITALSKI		X
SZCZEPANSKI	X	
VOSBURG	X	
WHITE	X	
TOTAL	18	6

THE MOTION CARRIED AS AMENDED.

Commissioner Gieleghem requested his printed comments that he passed out to the Commissioners be recorded in the minutes. There were **NO** objections. (*see attached*)

NEW BUSINESS

Chair White commended Commissioner Rengert on all his hard work on this issue. She feels this is a milestone for the county. She indicated understanding where Commissioner Brdak and Gieleghem are coming from and praised them for being concerned about this item.

Commissioner Rengert also thanked fellow commissioners.

PUBLIC PARTICIPATION

Ken Krauter, 53243 Pimpernil, Chesterfield Township

Thanked the board for approving this host agreement with Waste Management. He feels the board did the right thing.

Jack Doerr, 22407 Bayview, St. Clair Shores

Continued his comments regarding Canadian Trash.

ROLL CALL ATTENDANCE

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Peggy Kennard	District 24
Kathy Vosburg	District 25
Nicholyn Brandenburg	District 26

Commissioner Hill absent and excused.

ADJOURNMENT

A **MOTION** TO ADJOURN WAS MADE BY COMMISSIONER DUZYJ, SUPPORTED BY COMMISSIONER BRANDENBURG, AND THE **MOTION CARRIED.**

Chair White adjourned the meeting at 11:06 a.m., until the call of the Chair.

Nancy M. White, Chair
Carmella Sabaugh, Clerk

TO: Colleagues, Macomb County Board of Commissioners
FROM: Paul Gielegem
DATE: June 13, 2006
RE: Proposed Solid Waste Agreement

I wanted to take this opportunity to inform you of my concerns with the proposed Solid Waste agreement before the Board of Commissioners. While I publicly commend Commissioner Rengert for his work on this issue, I'm afraid the agreement is weighted to heavy in favor of Waste Management and fails to live up to the provisions sought on behalf of county residents.

First, let me deal with the issue of amendments that were offered by Board members at the last special meeting, dated April 12, 2006.

Concerns Addressed by WM as part of new Contract

1. Independent Verification

Gibson Amendment – Covered in Section 5.09

Conclusion – I've been informed that County officials believe the \$5,000 limit and the five-year time frame is adequate.

Concerns Not Addressed

1. **Perpetual Care Fund.**

Brdak Amendment – An additional .25/ton reserved locally for care of landfill once capped, to provide cleanup funds in the case of environmental contamination.

WM Response – Section 6.04 refers to state perpetual care fund. Money set aside by company as required by state.

Conclusion – no change in agreement. Failed to meet Board of Commissioners request.

2. **Meaningful Annual Reduction.**

Gielegem Amendment – as amended – Significant meaningful annual reduction. Not later in the future but real reductions upon signing the agreement. Although 10% reduction was requested, no numbers were eventually passed.

WM Response – Section 5.05 - The Company acknowledges that the county desires to see a reduction in the deliveries of Canadian Waste over life of agreement. The Company anticipates that annual deliveries of Canadian Waste will decrease over the life of the agreement as alternate disposal facilities are sited to accept Canadian

Waste and the Company would begin to approach the 25% Landfill capacity limit set forth above. As such, the reported annual figures are anticipated to show an annual reduction.

Conclusion – There will be no annual reduction anytime soon. It will take an estimated 14 years before the volume of Canadian Waste equals 25%. No one knows when alternative disposal facilities are sited. If they were anywhere near being sited, why would Canada still pay the transportation fee to truck waste all the way to Michigan? Nothing new here.

Other Concerns

A limit on Canadian Waste, in exchange for a massive increase in the airspace of the landfill is not a reduction or a limit. It is an undefined, non-quantify-able increase.

The contention that we need to sign this deal or we will have another landfill pop-up in Macomb County is a baseless argument lacking any factual support. State Law requires that we plan where our trash will go. It does not require that Macomb County have a landfill in our county. In fact, waste generated in the South Macomb Disposal Authority is currently transported to a landfill in Oakland County.

At the same time the Governor, the state Department of Environmental Quality and Democrats in the State House are calling for a Moratorium on siting new or expanding existing landfills, the Macomb County Board of Commissioners is rushing to ink a deal with Waste Management to expand Pine Tree Acres.

The State Department of Environmental Quality estimates that the State of Michigan currently has over 19 years of available landfill capacity.

In response to unbearable stench and overturned trucks that spewed truckloads of human waste onto roadways, the operators of Carleton Farms Landfill in Wayne County have agreed to stop accepting the sludge from Toronto area sewage treatments plants. This deal fails to block the flow of this same human waste sludge from coming here to Macomb County. It does make more room for it.

The issue of dumping human waste onto solid waste in the landfill actually helps the decomposition of the existing trash volume in the landfill. Waste decomposition has a compression effect and thereby increase the available space for more Canadian Waste. The compressed waste also becomes more toxic.

Lastly, signing this deal is a dangerous move that extends the flow of out-of-state and Canadian waste and binds the county for 25 years into the future. Not signing this deal means that negotiations will continue.

I believe that we can do better. I believe we owe it to our Constituents to keep working for them to seek real relief from the dumping of out-of-state and Canadian Waste in Macomb County. We owe them that.