

**GAINES CHARTER TOWNSHIP
SPECIAL MEETING
JOINT MEETING – BYRON TOWNSHIP AND GAINES TOWNSHIP
WATER & SEWER ADVISORY COMMITTEES
MEETING MINUTES ~ January 20, 2014**

CALL TO ORDER

A Water & Sewer Advisory Committee meeting was called to order by Audrey Weiss and Tim Haagsma at 1:30 p.m. on Monday, January 20, 2014 at the Gaines Charter Township (GCT) Offices located at 8555 Kalamazoo Avenue SE, Caledonia, Michigan 49316.

Tim Haagsma and Audrey Weiss discussed who would chair the joint meeting and decided Audrey Weiss would be the chair.

ROLL CALL

Members Present - Gaines: Jan Boone, Jeff Gritter, Tim Haagsma, Don R. Hilton, Sr.
Members Present – Byron: Audrey Weiss, Debbie Jensen, Les Nederveld, Carol Houseman
Members Absent: None
Others Present: Jim White, Mika Myers Beckett & Jones,
Rod Korhorn, Vriesman & Korhorn, Byron Township Engineer
Todd Boerman, Vriesman & Korhorn, Caledonia Township Engineer
Sandy Wiltzer, Recording Secretary

1. Presentation of the draft Sanitary Sewage Transportation Agreement for Caledonia Township.

Mrs. Audrey Weiss, Byron Township Supervisor asked Jim White to review the proposed **Sanitary Sewage Transportation Agreement**.

Jim White indicated that resolutions from the three Boards, Gaines Charter Township, the Township of Caledonia and Byron Township, due to the joint relationship with Gaines, are required to adopt the proposed Agreement. The sewer system in Byron / Gaines Townships are owned jointly even though the pipe under consideration is located entirely in Gaines. Jim White is the only attorney involved at this point and is representing all three communities. All of the Township Boards considered this arrangement with Mr. White at the beginning of the negotiations and found it to be agreeable.

Les Nederveld inquired about the existing Anderson Drain and the 2003 agreement between Byron and Gaines in respect of who does repairs. Jim White stated that “**Exhibit C Sample Computation of Caledonia Share of Operating and Maintenance Expense of Joint Byron/Gaines Sewer System**” describes the arrangement that has been discussed by the engineers as a part of the negotiation. Replacement expenses are covered in “**Exhibit D – Cost Sharing for Replacement**.”

Referencing the “**Exhibit A – Caledonia Township Service Area**” map, the waste water treatment plant in the Village of Caledonia is nearing its capacity and needs to be expanded in some way. The Township of Caledonia is looking to send their wastewater to the City of Grand Rapids through Gaines Charter Township. This would allow Caledonia Township to defer an

expansion of the Village of Caledonia Treatment Plant. The current Byron / Gaines sanitary sewer system connects to the City of Grand Rapids sewer system near the intersection of 60th Street and Hanna Lake Avenue. The Anderson Drain Trunk Sewer runs east from this point and with a proposed extension constructed by the Township of Caledonia to Patterson Avenue (i.e. the “Caledonia Township Extension”) Caledonia would be served by the Byron/Gaines sanitary sewer system. The Township of Caledonia has negotiated an agreement with the City of Grand Rapids which contemplates an ultimate service area described in “Exhibit A.- Caledonia Township Service Area” of the proposed Transportation Agreement. Jim White explained that when Gaines Township negotiated its Agreement with the City, the Plaster Creek Watershed was delineated as the ultimate service area and a portion of this covers an area of Caledonia.

Jim White pointed out that the City of Kentwood is not part of this agreement as their wastewater collection system in this area is owned and operated by the City of Grand Rapids.

The Township of Caledonia’s agreement with the City of Grand Rapids has not yet been finalized. Jim White noted that the City of Grand Rapids has shown some flexibility in negotiating this agreement. Jim stated that the proposed Agreement with the City includes a 10 year ramp-up period with a splitter valve or some other mechanism that directs some flow to the City of Grand Rapids and some to the Village of Caledonia treatment plant. At 10 years, all sewage flow will be directed to the City of Grand Rapids. This arrangement helps Caledonia Township offset a million dollar expansion.

Jim White stated this is the fifth draft of this agreement. There was a lapse in time while negotiations with the City of Grand Rapids were completed and then a three to six month wait for them to respond. Two issues remain open: 1.) finalizing exhibits C and D, and 2.) finalizing the language used in the agreement. Jeff Gritter and Rod Korhorn have been reviewing documents and providing input throughout the negotiating process.

A revised version of the Transportation Agreement was distributed on Friday, January 17, with the last issue defining replacement responsibility of the Anderson Drain Trunk Sewer to the extent it may be necessary in the future.

What the Agreement Provides:

1. This is a three party agreement between Gaines Charter Township, Byron Township and the Township of Caledonia.
2. The first couple of pages contain recitals and refers to the agreement between the Township of Caledonia and the City of Grand Rapids. The Township of Caledonia Agreement is going to be wholesale agreement with the City. The Caledonia Wholesale Agreement is an amendment to an existing agreement which has a term of 30 years and will expire in 2029 and the Gaines Charter Township Agreement with the City expires in June of 2028. Both of these Agreements will terminate when the Gaines Charter Township agreement ends.

*Note: the following minutes refer to numbered paragraphs beginning on page 3 of the **Sanitary Sewage Transportation Agreement** and comments made by Mr. Jim White as he reviewed content.*

Paragraph 1. **Transportation by Anderson Drain Trunk Sewer of Sanitary Sewage from Caledonia Service Area.** No comments.

Paragraph 2. **Capacity in the Anderson Drain Trunk Sewer.** Defines the capacity limitations that Caledonia Township will need to comply with for use of the trunk sewer.

Paragraph 3. **Payment by Caledonia for Capacity in the Anderson Drain Trunk Sewer.** The Township of Caledonia is not being charged a buy-in for the existing portions of the Anderson Drain Trunk Sewer.

Paragraph 4. **Annual Reporting of Capacity Usage; Engineering Study.** Les Nederveld asked if the Township of Caledonia flow equals or exceeds 80% of capacity limitation what happens? Rod Korhorn stated that he does not think hitting 80% would be a problem and it should be a trigger for Caledonia to explore options to address the capacity if necessary. Les Nederveld brought up the issue of spikes in flow and Jeff Gritter said that spikes can be explained typically; if construction activity or a spike in I and I is at fault Caledonia is likely going to know this and they will need to address the issue. If a spike is related to normal use then they will need to study this to and find possible solutions. Jeff Gritter also reminded the group that a lift station exists at the point of connection allowing for diversion.

Paragraph 5. **Future Connections to Caledonia Township Extension located within Gaines Township; Payback of Connection Fees to Caledonia.** There may be future property owners that wish to connect to the new segment of sewer between the “first manhole” and point D as shown in Exhibit D. This provision of the Agreement addresses any of these potential connections and the payback due to Caledonia as Caledonia is paying for the cost of the extending this pipe. Caledonia would be eligible to a payback of 98% of any sewer availability fees and Gaines Charter Township would retain a 2% holdback to pay administrative costs. The payback will be in place for 10 years and is consistent to what was done with Steelcase for extensions they made to bring sewer service to the “Pyramid”. This payback arrangement begins on the first day of flow.

Paragraph 6. **Design and Construction of Caledonia Township Extension.** This will be from point of connection on Paterson Avenue west to point D of the Anderson Drain Trunk Sewer. The Township of Caledonia will bear the financial responsibility for engineering, design and to obtain any and all permits and / or related costs.

Paragraph 7. **Commencement of Use of Caledonia Township Extension.** This paragraph defines when Caledonia Township may begin making use of the Caledonia Township Extension and the Anderson Drain Trunk Sewer.

Paragraph 8. **Master Meter.** A master meter is to be placed by the Township of Caledonia at the Gaines Charter Township line to measure the flow of wastewater from the Township of Caledonia. The City of Grand Rapids will bill Caledonia directly for wastewater service and will be backing this portion of flow out from the Gaines Township bill. Caledonia bears the responsibility to make sure the meter is reading accurately.

Paragraph 9. **Ownership of Caledonia Township Extension.** All parts of the sanitary sewer west of and including the “first manhole” will be owned by Byron and Gaines as a part of their Joint Byron/Gaines Sewer System. All parts of the sanitary sewer east of the “first manhole” will be owned by Caledonia Township.

Paragraph 10. **Operation and Maintenance of Caledonia Township Extension; Hydrogen Sulfide Monitoring.** The Township of Caledonia will maintain everything up to the point of connection at Patterson Avenue or the first manhole. From the first manhole and downstream will be maintained by the BGUA as a part of the Joint Byron/Gaines Sewer System. The Township of Caledonia will also monitor Hydrogen Sulfide gas at their expense. If the limits for the Hydrogen Sulfide gas are exceeded, the Township of Caledonia will address. Les Nederveld indicated that special precautions such as a coating should be considered. Todd Boerman stated all new pipe will be all plastic and manholes will be lined with PVC liners to limit exposure of concrete to the gas.

Jeff Gritter stated that the Township may want to tweak the location of the monitoring device; at the point of connection or at the manhole as concentrations may vary. The monitoring point is to be determined by the BGUA and they will need the flexibility to move the monitoring device as needed.

Paragraph 11. **Caledonia Share of Operation and Maintenance Expense of Byron / Gaines System.** “Exhibit C Sample Computation of Caledonia Share of Operation and Maintenance Expense of Joint Byron/Gaines Sewer System” identifies how cost will be computed.

Paragraph 12. **Consent to Use of Public Rights of Way.** Self explanatory.

Paragraph 13. **Rehabilitation and Replacement.** The Township of Caledonia is responsible for rehabilitation and replacement as defined by this paragraph and Exhibit D. If the cost is \$5,000 or less the BGUA will be responsible as a part of normal maintenance. If the cost is greater than \$5,000 the cost for replacement will be allocated based on Exhibit D which is based on existing capacity and capacity allocations.

Paragraph 14. **Caledonia Subject to Rules, Regulations and Restrictions.** Self explanatory.

Paragraph 15. **Inspection of Caledonia Records.** Self explanatory.

Paragraph 16. **Insurance.** Self explanatory

Paragraph 17. **Sewage Disposal System Event Procedures.** In the event of sewer backup, the communities are agreeing to follow the requirements of State Law. The Byron Gaines Utility Authority will obtain insurance and the Township of Caledonia will do the same. If Byron Gaines Utility Authority identifies a problem in the Township of Caledonia and it is not addressed within 30 days, the Township of Caledonia bears the burden. Tim Haagsma stated that the law has been written and words have been used from that law.

Paragraph 18. **Operating Liability.** Self explanatory

Paragraph 19. **Payment of Costs Incurred by Byron and Gaines.** The Township of Caledonia pays all costs incurred by Byron and Gaines in negotiations of this Agreement.

Paragraph 20. **Consent and Acknowledgement by Gaines.** Consent by Gaines Charter Township for The Township of Caledonia to be serviced by the City of Grand Rapids.

Paragraph 21. **Acts of God.** Self explanatory

Paragraph 22. **Enforcement.** Self explanatory

Paragraph 23. **Alternate Dispute Resolution.** Self explanatory.

Paragraph 24. **Term of Agreement.** Self explanatory.

Paragraph 25. **Transition Upon Termination.** Work together to terminate.

Paragraph 26. **Notices.** Defines who gets copies.

Paragraph 27. **Definition of Sanitary Sewage.** This section defines that households, commercial and industrial are included.

Paragraph 28. **Miscellaneous.** Self explanatory

Exhibit A – Caledonia Township Service Area. Self explanatory

Exhibit B – Anderson Drain Trunk Sewer / Caledonia Township Extension. Shows the approximate location of the sewer extension and existing sewer.

Exhibit C – Sample Computation of Caledonia Share of Operation and Maintenance Expense of Joint Byron / Gaines Sewer System. Defines the cost structure for charging O & M expenses.

Exhibit D - Cost Sharing for Replacement. Shows the sharing of cost based on location in the Trunk sewer.

Jim White asked for questions. Tim Haagsma asked Rod Korhorn about capacity of the existing pipe and if there was enough room for the Township of Caledonia Service District and the Gaines Charter Township areas yet to be serviced. Rod Korhorn stated the existing pipe is significantly oversized and there is more than adequate capacity for the future.

Jim White stated that next steps are to have the Township of Caledonia obtain approval from their Board which meets on Wednesday, February 5. The next step after this is Board approval from Gaines Charter Township and Byron Township. Lastly, approval must be obtained from the City of Grand Rapids for Caledonia Township to proceed forward. A potential delay may come from the City of Grand Rapids as they are waiting on new rates to be determined and a new person in the position will be computing the rates. The Township of Caledonia is likely not to commit until the rates are determined by the City of Grand Rapids.

Les Nederveld asked if the approval sequence should be added to the agendas of the various Boards.

Jeff Gritter stated that this meeting was part of the sequence to send a recommendation to each of the respective Township Boards. If the Water & Sewer Committees give the proposed agreement a positive recommendation and if the Caledonia Township Board approves the proposed agreement then it will be ready for Byron and Gaines Boards to approve.

Tim Haagsma asked if both the Gaines Charter Township and the Byron Township Water & Sewer Committees could vote to approve the Agreement to forward it to their respective Boards.

MOTION: Jeff Gritter made a motion to recommend approval of the proposed Sanitary Sewage Transportation Agreement for Caledonia Township with the condition that it is first approved by Caledonia Township, supported by Tim Haagsma.
YES: Jan Boone, Jeff Gritter, Tim Haagsma, Don R. Hilton, Sr
NO: None
ABSTAIN: None
MOTION: Carried

Audrey Weiss called for a vote from Byron Township:

MOTION: Les Nederveld made a motion to recommend approval of the proposed Sanitary Sewage Transportation Agreement for Caledonia Township with the condition that it is first approved by Caledonia Township, supported by Carol Houseman
YES: Audrey Weiss, Debbie Jensen, Les Nederveld, Carol Houseman
NO: None
ABSTAIN: None

2. OTHER MATTERS:

None

3. PUBLIC COMMENT:

None

4. ADJOURNMENT

Audrey Weiss adjourned the meeting at 2:45 p.m.

Respectfully submitted:

Jeffrey M. Gritter, P.E.
Township Engineer