

HARTLAND TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING FINAL MINUTES
April 26, 2023 – 6:00 PM

1. Call to Order

The meeting was called to order by Supervisor Fountain at 6:00 p.m.

2. Pledge of Allegiance

3. Roll Call

PRESENT: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee McMullen, Trustee O'Connell, Trustee Petrucci

ABSENT: Trustee Germane

Also present were Township Manager Bob West and Public Works Director Mike Luce.

4. Approval of the Agenda

Move to approve the agenda for the April 26, 2023 Hartland Township Special Meeting as presented.

Motion made by Treasurer Horning, Seconded by Trustee Petrucci.

Voting Yea: Supervisor Fountain, Township Clerk Ciofu, Treasurer Horning, Trustee McMullen, Trustee O'Connell, Trustee Petrucci

Voting Nay: None

Absent: Trustee Germane

5. Call to the Public

No one came forward.

6. Pending and New Business

a. Status update of the Livingston County Septage Receiving Station

Supervisor Fountain stated that he, Manager West and Director Luce met with County Commissioner Wes Nakagiri and Livingston County Drain Commission representative Frank Ervin regarding the Septage Receiving Station (SRS). He stated that the County presented their thoughts on a solution to the SRS issues and then we showed them what the Board had talked about and agreed to, and we seemed to have reached a consensus. Manager West stated the meeting was in response to the Livingston County Finance and Asset/Management Committee (FAM) meeting where we informed the County that we were going to move forward with legal action on the breach of contract regarding being over the flow limit of 217 REU's. The notice for limiting flow per the Master Operating Agreement was sent to the County on January 13, 2023. In a good faith gesture, Manager West sent out invites to Livingston County representatives to sit down with the Township to discuss one last attempt to determine if there is any feasibility of moving forward with a solution. He then presented the chart of what the group collectively came up with as a solution. Manager West gave a brief overview of each item on the chart and discussion was held on the Readiness to Serve (RTS) retroactive payments to the Livingston Regional Sewer System and Hartland Township, the RTS payments moving forward based on the high five average concept, the hosting fee remaining with Hartland Township, the seven year agreement term, the provision for Tyrone Township and Hartland Township each having a seat on the Livingston County Board of Public Works (LCBPW) and the sole right to appoint the representative, Hartland Township having read-only access to the

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discharge meter at the SRS, and Livingston County agreeing to an immediate temporary restraining order provision for violations in the agreement.

Manager West stated that we are still proceeding with legal action and will serve the Livingston County Commissioners with an injunction in the next two weeks, and they will have 21 days to respond. He presented the advantages of the proposed agreement for Hartland Township and the SRS. He stated if agreed to by the Board we would have our legal counsel draft the agreement. He reiterated the agreement process will not delay the legal proceedings we are taking.

Supervisor Fountain gave a brief overview of how this meeting came about and stated he wanted the Board to meet tonight so that the Board can agree upon the message we communicated to the County and that though they may not want to agree to, they understand the issues and without an signed agreement we will continue with legal action.

Further discussion was held on Drain Commissioner Jonckheere's participation in discussions, Commissioner Nakagiri's role the process, the term of the Master Operating Agreement and the future of the SRS upon the end of the agreement, legal fees incurred and potential reimbursement, the allowable flow in the agreement being contingent on unused RTU's, and potential REU purchases options for the County.

The Board briefly reviewed and discussed some of the research data Manager West had put together regarding the County website information, state operating plan for the SRS, septage hauler locations and where septage is coming from, flow data highlighting days over the flow limit, SRS original design capacity, and responses to County questions. Manager West presented and gave a brief overview, of a flow chart of the billing process starting with Genesee County through sewer user.

Manager West stated that he plans to draft a letter to the County Commissioners, should the Board approve or support this agreement, indicating who we met with on what date and that there was a consensus and that we are presenting this in good faith to try and come up with a solution to this issue, even after we had started litigation. Supervisor Fountain stated that the letter should come from him and Manager West. Clerk Ciofu inquired as to the process regarding allowing flow on unused REU's and potential future scenarios were discussed. A brief discussion was held on the positives and negatives of the equalization system that is also being discussed by the County as it relates to flow levels and the restraining order provision that would be included in the agreement. It was consensus of the Board to make sure that any agreement discussions will not stop or delay any legal proceeding that has been started by the Township.

Move to approve the conceptual agreement.

Motion made by Treasurer Horning, Seconded by Trustee Petrucci.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee McMullen,
Trustee O'Connell, Trustee Petrucci

Voting Nay: None

Absent: Trustee Germane

7. Adjournment

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Move to adjourn the meeting at 7:00 p.m.

Motion made by Trustee Petrucci, Seconded by Trustee O'Connell.

Voting Yea: Supervisor Fountain, Township Clerk Ciofu, Treasurer Horning, Trustee
McMullen, Trustee O'Connell, Trustee Petrucci

Voting Nay: None

Absent: Trustee Germane

Submitted by



Larry N. Ciofu, Clerk