

## White Oak Township Board Meeting December 12, 2022

The December 12, 2022 meeting of the White Oak Board was called to order by Supervisor Dorwin Marshall at 7:00 p.m. In attendance were: Supervisor Dorwin Marshall, Treasurer Brigitte Doxtator, Clerk Leela Vernon, Trustee Diane Graf, Deputy Treasurer Aaron Graf, Richard Morrison, Zoning Administrator Tom Brimhall, Sam Curtis, Judy and Bob McManaman, Michelle Soli, Cheryl Dixon from Fowlerville Recreation, Dean Leavitt and Tom Starck from Leavitt & Stark Excavating, Inc., and their attorney Gaetan Gerville-Reache. Trustee Graf lead us in the Pledge of Allegiance.

A motion was made by Trustee Graf, seconded by Treasurer Doxtator to approve the minutes of the November 14, 2022 meeting. Motion carried. The minutes of the 11-15-2022 Planning Commission meeting and the minutes of the 11-29-22 Zoning Board of Appeals hearing were presented. Supervisor Marshall asked if we need to approve those minutes. Clerk Vernon stated that the Township Board does not need to approve them. Each of the Boards approve their minutes at their next meetings.

A motion was made by Clerk Vernon, seconded by Trustee Graf to approve the treasurer's report as presented. Motion carried. Treasurer Doxtator stated that we have a CD that will mature on December 16. We will let that mature and place it in the General Fund Savings account until the last one matures in January and at that time we will move them all over to the Credit Union as discussed in the November meeting.

Tom Brimhall Zoning Administrator gave his report. (See attached). Supervisor Marshall had a question about the Xerri's moving the pole barn. Clerk Vernon explained that they are the people that Consumers purchased their house. They are moving the pole barn to their new location.

Cheryl Dixon Recreation Director from Fowlerville schools took the floor. She explained that Michelle Soli lives in White Oak but her children go to Fowlerville schools. She stated that what they have through Fowlerville Recreation is funded by the Village of Fowlerville and participating townships, Iosco, Handy, Cohoctah, and Conway. They have 2 different fees, the full fee and the discounted fee that is partially covered by one of these participating townships. She handed out papers showing the percentages per township (see attached). Based on the number of residents in White Oak there are 3 or 4 families in White Oak Township, Fowlerville schools. They are extending an invitation for White Oak to be part of helping our residents to have lower cost. Michelle Soli stated that she has 3 kids in Fowlerville sports and she pays almost double what other families pay in other townships. White Oak Township would be at 1% so our cost would be approximately \$978.00 per year and that's the amount we would be saving the residents of Fowlerville Schools per year. Supervisor Marshall asked how Danville handles this. Trustee Graf stated that Dansville has the DCAA but it is funded strictly by the parents. Supervisor Marshall stated that that is how it is in Stockbridge also. The parents pay to play. Supervisor Marshall asked how many kids in White Oak Township we are talking about. Ms. Dixon said probably 8. Aaron Graf asked if this was only youth sports, not high school. She stated that is correct. Ms. Dixon stated that the cost to the township covers all fees, scheduling, officials, all administrative costs, and uniforms. Clerk Vernon stated that if we do this for the kids in Fowlerville, we would have to do something for Danville, Stockbridge, and Webberville. These other schools are pay to play. The Township does not cover any of the costs. Mr. Marshall stated that the board would discuss this and get back in touch with them.

Mr. Leavitt took the floor, he introduced himself and stated that they had purchased JR Sand and Gravel gravel pit. They are in the midst of bringing it into compliance. They are asking that the permit be transferred to them so they can continue their clean up without questions being asked. In the meantime

they have engaged Golder and Associates out of Lansing and Wolverine Engineers out of Mason. Wolverine has almost completed the Topo and when that is complete Golder Associates will complete the site plan, submit the permit to Eagle for wetlands and the water discharge even though they are not pumping any water offsite, only recirculating, Eagle considers that a discharge, so there are no plans to pump water offsite. Golder will also take care of getting the Soil Erosion Permit. They have had discussions with the Road Commission for haul routes. They met with our Zoning Administrator, Supervisor and our Attorney onsite a couple of weeks ago and discussed some of the issues and they have completed the process of the berm on Swan Road. They removed all the organic material, trees and brush from under the berm and moved the berm back so it's completely topsoil now. They are taking some of the piles that were close to the residents and restoring the slope that JR Sand and Gravel had started. It's not really up to their standards so they are going to do a better job. Their lawyer stated that they are requesting the Special Use Permit be transferred to them and renew now. They do not have a permit currently and are requesting that it be renewed. Their permit, if renewed will expire in May, 2023.

Tom Brimhall took the floor. He's concerned about them maintaining a log of water level. He stated that we need to have a baseline done by an engineer. Wolverine measured the top of each well and certified the elevation of those. Mr. Brimhall stated that the way the Special Use Permit is written is that a log is to be maintained. Mr. Leavitt said that he would send the Township an updated copy of the log once a month. Mr. Leavitt stated that their surveyor would contact Tom and set up a time to meet with him. Mr. Brimhall stated that he was glad to see them correcting the slope close to the property owned by Sam Curtis and he was pleased to see that they took down that unsightly berm.

Mr. Brimhall stated that we came across the original plans that the Raicas had submitted back with the original SUP that showed their reclamation schedule. He would like to have them get a copy made and bring it up to date as far as reclamation. Mr. Leavitt said he created a preliminary sketch for phasing of the excavation and what the final product would look like. Their lawyer stated that the original plans also went into areas that they are no longer going to be excavating, so the original plans are in that sense obsolete. Some of the areas Raica was excavating, they will not and some that Raicas were not, they will be excavating. So when Golder finished developing those plans we'll see that. The Township will receive a full set of those plans.

Mr. Brimhall stated that a continuing problem is with dust control. One of the things that Raica's had promised was that they would provide a water truck to keep areas watered down when the conditions were dusty. Mr. Leavitt stated that the water truck is on site and also a backhoe with a broom on it. Mr. Brimhall stated there is a provision in the SUP that requires a retainer of \$3,000 is to be maintained with the White Oak Township Treasurer. This retainer is to cover all legal fees, outside engineering, and inspection costs incurred. Clerk Vernon explained that currently the balance in the account is \$52.82. We have bills from our attorney for November of \$1,980.20 and a \$60 inspection fee. To bring the account up to the \$3,000 that needs to be maintained the Township will need \$4,987.33. Mr. Leavitt asked if the fees that were charges for Raicas would be taken from that. Clerk Vernon said yes, that is part of the Special Use Permit. If we are transferring it, it would be transferred to you. Their lawyer asked if this is a general thing we do for SUP's. Clerk Vernon stated that is in the Special Use Permit.

Mr. Brimhall stated that the Raicas maintained a bond with the Ingham County Road Department and convinced the Road Department that they were hauling Class B loads and the Road Department said that if they were only hauling Class B loads they would not have to maintain a bond. He stated that when speaking with the Road Commissioner he was told that Raicas are the only ones that have only Class B. Everyone else that hauls similarly is Class A. He would like to see the bond with the Ingham County Road Department reinstated. Mr. Leavitt stated that he would get a permit from ICRD. They will provide a copy to the Township.

Sam Curtis had some questions. He asked what their long term strategy is. Mr. Leavitt stated that eventually they would like to have 5 or 6 residential lots along the lake. He stated that this affects him because he is right there. Clerk Vernon asked how long they plan to mine before you're finished. Mr. Leavitt stated that a lot depends on the economy, but they are going to focus on stone and gravel. Market is good right now, my best guess is that there are about a million yards and we're pulling about 100,000 yards out of our other pit. I'm estimating 10 years.

Mr. Brimhall made the comment that it would be a good idea to **not** operate on Saturdays even though the SUP permit allows 4-5 hours of operation on Saturdays. Clerk Vernon stated that the original SUP for the Raicas was only supposed to go on for 15 years, and now it's been 22 years and Mr. Curtis has been living with it. We need to be considerate of him also.

Clerk Vernon made the motion to approve the transfer to Leavitt and Starck Excavating, Inc. and renewal of the Special Use Permit, which will expire in May 2023, the new application will need to be received 15 days prior to the renewal date. Motion seconded by Trustee Graf. Motion carried.

Mr. Leavitt stated that as soon as the plans are done along with the Eagle permit the Township will receive them. Their lawyer stated that we will receive the application before time to renew.

Mr. Marshall stated that if they are good neighbors in our Township they won't have any trouble.

A motion was made by Treasurer Doxtator, seconded by Trustee Graf to approve the resolution submitted by Fowlerville schools for the collection of Summer Taxes. Motion Carried.

A motion was made by Trustee Graf, seconded by Clerk Vernon to pay the bills as presented. Motion Carried.

Aaron Graf asked if we were approving the Gravel Pit to be all around Mr. Curtis's house, because he just wants to be sure that we are fair to Sam and they are talking about another 10 years. Supervisor Marshall said that when they met at the gravel pit the new owners just wanted to extend the water to the additional 10 acres. Clerk Vernon stated that the transfer is only until May 2023. If they prove to be "Not" good neighbors we don't need to renew the Special Use Permit in May, and they have to renew it every year. Supervisor Marshall stated that the new owners have a good reputation. Aaron stated that he just wanted to be sure to take care of Sam, Supervisor Marshall stated that we want to take care of everyone in the Township.

Meeting was adjourned at 8:37 p.m.

Respectfully submitted, Leela A. Vernon, Clerk  
White Oak Township