

HAYES TOWNSHIP
BOARD OF TRUSTEES SPECIAL MEETING
APRIL 6TH, 2023, 6:00 PM
HAYES TOWNSHIP HALL
09195 MAJOR DOUGLAS SLOAN RD
CHARLEVOIX, MICHIGAN 49720
ZOOM 836 0148 1092

The April 6th, 2023, meeting of the Hayes Township Board was called to order by Supervisor Ron VanZee at 6:00 pm.

Board members present were Matt Cunningham (Trustee), Julie Collard (Treasurer), Doug Kuebler (Trustee), Kristin Baranski (Clerk), April Hilton (Deputy Clerk/Recording Secretary), Steve Bulman, Derek Burnett, Roy Griffiths, Todd Millar, and Ron VanZee (Supervisor).

Audience Members signed in: Kent Hoffman, Katherine Simon, Janet Simon, Kim Fary, Luanne Kozma, Ellis Boal, Christopher Mills, Jim McMahon, David Zipp, Carl Harmon, Winnie Boal, Bob Jess, Tim Boyko, Deb Narten, Danielle Hutchenson, Omar Feliciano, Abbie Hawley, Ruth Augustine, Shelly VanWart, Marolyn Anderson, Andrew Wilson, C.T Martin, Tom Forton, Robert Ferguson, Bradley Shearer, Mel Czechowski, Mike Hutcheson, Chris Narten, Carole Meluri, Chris Knight, John Knight, Kate Burnett, Kevin Willis, Kathy Martinchek, Vic Martinchek, Matt Berg, Ryan Bremmays, Betty Henne, Bill Henne, Catherine Phelps, Joellen Rudolph, Jim Rudolph, Stuart Wright, Doug McCombs, Lisa Kuebler, Jeff Harmon, Tess Were, Patricia Feliciano, Randall Ferguson, Larry Holecheck, Shyanne Shumway and Carol Umlor.

CALL TO ORDER

Supervisor Ron VanZee called the meeting to order at 7:00 pm.

REVIEWED & APPROVED AGENDA

Ms. Baranski made a motion, supported by Mr. Kuebler, to approve the agenda as presented.

Yays: Matt Cunningham, Julie Collard, Doug Kuebler, Ron VanZee, and Kristin Baranski.

Nays: None Motion Carried

PRESENTATION by TOWNSHIP ATTORNEY:

Todd Millar, Hayes Township Attorney, presented the audience and board members with the legal history of the Townships involvement with Reith Riley. Also presented information regarding what the township can and cannot regulate regarding the gravel pits due to a court order. Stated it would be near impossible for Hayes Township to take Rieth Riley to court without proving they are operating against the consent agreement.

He stated the following:

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- Consent judgements were issued in 1988, amended in 1989 and again in 1991 (this is the consent judgement court order that is still currently in place).
- On page 3 of the consent order, its stipulate H&D shall be allowed to conduct extractions.
- The schedule of mining operations timeline is advisory only.
- Inspection done in September of 2022 – had not been inspection since November 2004.
- The Consent judgement is compatible with the Hayes Township Zoning Ordinance.

PRESENTATION by RIETH RILEY

Rieth Riley representatives presented Hayes Township officials and the audience shared facts about Rieth Riley and the planned operations during phase 7.

- The Consent judgement is binding law and does not allow the township or the intervenors the right to go back to the courts for restrictions.
- The 1991 Consent Judgement clarifies the phase of mining allowed by H&D, within out time limit due to the increase and decrease in demand.
- Reith Riley is currently in Phase 7 of mining in this section of the pit, which includes reclamation after phase 7 is complete.
- Rieth Riley has not abandoned the site since they purchased H&D site in Bayshore.
- In 2009 Rieth Riley relocated Pincherry road in plans for mining, however the following years did not meet the demand for extraction.
- In 2019 demand pick back up and Rieth Riley actively extracted material that year.
- Rieth Riley only extracts mineral as needed by demand. Verses extracting all at once and storing the material.
- Rieth Riley does not know how long phase 7 may last. Increase and decrease in demand can affect the amount of material they extract every year.
- Rieth Riley stated the pit was active in 1972 and the residential community was developed around the pit throughout the years.
- Rieth Riley as a company has been mining in the state of Michigan for 170 years and have not caused any known health issues for the surrounding communities and takes pride in being a good neighboring business.

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PUBLIC COMMENTS AND QUESTIONS:

Public comment opened and closed at 6:46.

Comments included:

- Resident is concerned the foundation of their house will be negatively affected by the vibrations from Rieth Riley equipment and extraction process.
- Resident referred to a video produced by a Michigan organization referring to Silica dust and the dangers of it being inhaled. Resident also believes the Bayshore community existed before the mine was present.
- Resident thanked the Township attorney and Rieth Riley for their time and presentations. Also, would like to know if it is common for mining to last longer than 30 years next to a residential community like Bayshore.
- Resident is concerned the mining next to residential communities will decrease housing values. Also has a negative impact on the health of the neighboring residents, specifically in the lungs from the Silica dust.

- Resident requested to see Rieth Riley's state permits for operation.

Rieth Riley clarified there is only a state permit for the Crusher machinery.

- Resident stated the consent agreement of 1991 hamstrung the interveners in the agreement. They are also concerned for residents' health, specifically Asma. Also concerned the active mineral pit will decrease housing values for the surrounding area.
- Resident is concerned for his business, Subaru by the Bay. He stated communication with Rieth Riley in the past has been difficult. Also concerned for his inventory, experience with Rieth Riley mineral extraction has caused damage to his inventory. Suggested covering the trucks to avoid damage and requested better communication from Rieth Riley if issues develop.
- Resident suggested using a moratorium to temporarily prohibit activity at Rieth Riley site.
- Resident and original intervener stated they would never have settled with the consent agreement if there was not a time limit of 30 years regulated in the agreement. Also, would like to know how long mining will last for the 2023 season.
- Resident is concerned there will be serious consequences to the residents' health, housing values and quality of life due to the mining. Also stated the residents are upset with Rieth Riley mining after the 30 years as residents understood it would be done within 30 years of signing the consent agreement.

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- Township Attorney clarified the intervener attorney signed the consent agreement on behalf of the interveners party accepting all terms and agreements which states the 30 years is contingent on increase and decrease of demand.
- Resident stated he has lived in Hayes Township near Rieth Riley and worked for Rieth Riley for many years. Stated they are a good company to work for and has a positive impact of the community.
- Resident requested the Township to reopen the consent agreement and limit Rieth Riley to the 30 years without contingences. Suggested if the current township attorney will not fight for the timeline to end at the 30-year limit, the Township needs to find a new attorney. Resident also demanded to see all court files regarding the consent agreement with Rieth Riley at meeting.
- Resident asked how many pits Rieth Riley has near residential communities throughout the state of Michigan and how many of these communities developed health risk due to mining.
- Rieth Riley responded they have other locations within Michigan near residential communities and none have developed health issues due to mineral extraction.
- Resident is concerned for a traffic hazard caused by the multiple trucks entering 31 daily from Rieth Riley's pit and would like to know how they plan to avoid accidents.
- Resident is concerned Rieth Riley mining is will negatively affect the well water for neighboring residents. Also is concerned with crushing of the minerals happening across 31 is too close to a residential community and will cause health issues.
- Resident stated they feel Rieth Riley's argument of the mining existing before the residential community is false.
- Resident stated when their parents sold their property, they did not realize they were selling to an owner of H&D.
- Resident feels the Township needs to go back to court and fight the time limit of 30 years in the consent agreement.
- Resident does not believe Rieth Riley statement that the time limit is contingent on the decrease and increase in demand. However, feels it was to benefit all parties involve with giving Rieth Riley a time limit and residents relief from mining after the time limit was reached.
- Resident questioned if the sale of Rieth Riley property would be affected by the zoning of the property.

Closed at 8:31

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BOARD OF TRUSTEE AND PLANNING COMMISSION COMMENT:

Mr. Griffiths stated he feels the meeting was productive, residents asked important concerning questions, which Rieth Riley was able to respond too. Also, the Township Attorney was able to provide the Consent agreement information and where the Township stands for limitations.

Mr. VanZee and the Township Attorney and will be researching some of the pressing issues that were brought to the Townships attention during the meeting, with in the following weeks.

ADJOURNMENT: Mr. Kuebler made a motion, supported by Ms. Baranski, to adjourn at 8:34 p.m.

Yeas: Matt Cunningham, Julie Collard, Doug Kuebler, Ron VanZee, and Kristin Baranski.

Nays: None

Motion Carried

Respectfully Submitted,

April Hilton

Hayes Township Deputy Clerk/Recording Secretary