

**CHARTER TOWNSHIP OF YPSILANTI
MINUTES OF THE JANUARY 17, 2017 WORK SESSION MINUTES**

Supervisor Stumbo called the meeting to order at approximately 5:00 p.m. in the Ypsilanti Township Civic Center Board Room, 7200 S. Huron River Drive, Ypsilanti Township.

Members Present: Supervisor Brenda L. Stumbo, Clerk Karen Lovejoy Roe, Treasurer Larry Doe, Trustees: Stan Eldridge, Heather Jarrell Roe, Jimmie Wilson Jr., Monica Ross-Williams

Legal Counsel: Wm. Douglas Winters

AGENDA REVIEW

A. MINUTES OF THE DECEMBER 22, 2016 REGULAR MEETING

B. STATEMENTS AND CHECKS

- 1. STATEMENTS AND CHECKS FOR DECEMBER 22, 2016 IN THE AMOUNT OF \$690,462.74**
- 2. STATEMENTS AND CHECKS FOR JANUARY 17, 2017 IN THE AMOUNT OF \$653,071.33**
- 3. CHOICE HEALTH CARE DEDUCTIBLE ACH EFT FOR DECEMBER 2016 IN THE AMOUNT OF \$30,100.80**

SUPERVISORS REPORT – none given

CLERKS REPORT – none given

TREASURERS REPORT – none given

TRUSTEE REPORT

Trustee Ross-Williams stated she attended a meeting, along with Supervisor Stumbo, regarding the WRAD/ACM construction project for the I-94 By-Pass and shared concerns the West Willow residents expressed about the project. Trustee Ross-Williams stated she attended the MLK celebration at EMU. Trustee Ross-Williams thanked the Huron Valley Humane Society for rescuing 21 cats.

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Trustee Jarrell Roe stated that she and Trustee Eldridge attended the Hawthorne/Parkwood neighborhood watch meeting. Trustee Jarrell Roe said that she attended the Holmes Road Neighborhood Watch Meeting and they had questions about streetlights. She said that the recyclable center was no longer accepting recyclables in plastic bags because it was a hazard for the people working there.

Trustee Ross Williams asked the board to give township recognition to Ms. Clayborn for her work with Habitat for Humanity.

Arloa Kaiser commented that people should be more responsible when walking at night.

ATTORNEY REPORT

A. GENERAL LEGAL UPDATE

Attorney Winters stated they received updates regarding the Tyler Dam and Pond project. Attorney Winters said they are waiting for a construction schedule to be issued. He said it should be completed by the end of February, which keeps in line with the estimate of March 1st for the township to receive the payment of \$300,000.00.

OLD BUSINESS

- 1. REQUEST AUTHORIZATION FOR TOWNSHIP ATTORNEY DOUG WINTERS AND ATTORNEY ADAM COHEN TO ENTER INTO NEGOTIATIONS WITH NEXUS TEMPORARY AND PERMANENT EASEMENT AGREEMENTS ON TOWNSHIP OWNED PROPERTY AS REQUESTED BY NEXUS (TABLED AT THE DECEMBER 2, 2016 REGULAR MEETING)**

Attorney Winters explained to the Board the process for negotiating with Nexus regarding easements on Township owned property. He said that because the Hydro Dam and Hydro Park are part of the property that Nexus would use, that this property was also part of a division of FERC along with being part of the Township.

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Attorney Winters stated that before negotiating an easement with Nexus or anyone else it was required to get authorization from FERC as part of the Townships' licensing with FERC. He stated that he had told the Nexus Attorney about this and they said Nexus would help the Township file the paperwork. He also spoke about the petition that Nexus had filed regarding odorization. Attorney Winters stated Nexus was requesting a waiver requirement to put an odor detection system into the pipeline throughout Ypsilanti Township. Attorney Winters stated it could be a safety issue for the township residents if the odor detection system was not put in the pipeline. He said his office received a copy of the petition that Nexus filed in January 2016 and a letter from them explaining technical issues to support their position on why they wanted the odor waiver granted. He said the Pipeline Hazardous Safety Administration Agency was the agency that would grant the waiver and they have not done so thus far. Attorney Winters stated that other agencies within the Township that he had talked with had confirmed they would want the odorization in the pipeline that would cross their properties. He said he had also inquired through a letter to Nexus what percentage of the gas transmitted through the pipeline would be designated for Canada and they had not responded. Attorney Winters said that if the Board decides to negotiate with Nexus he would be ready to discuss many of these issues with them. Attorney Winters stated he had contacted Bowling Green because they had been in a similar situation with Nexus. He said that Bowling Green owns property that is located outside the corporate limits. He said easements that Nexus was asking of them were coming too close to where they draw their water. Attorney Winters stated that Bowling Green decided not to negotiate with Nexus and Nexus will now go into the federal court and they will decide what the value of the property was and they will move on from there. Attorney Winters stated that Ypsilanti Township has too much to lose by dragging this out in court because we have many developments including ACM that cannot have the projects delayed.

Trustee Wilson asked Attorney Winters if Nexus goes to court over eminent domain how long might it take. Attorney Winters said it would be quick. He said our situation is more complicated and could take longer since a division of FERC has jurisdiction over some of the Township property that Nexus would take.

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Trustee Ross-Williams stated she had concerns because Nexus still had not said how much gas would be going to Canada. She said that her understanding of eminent domain requires the pipeline to have beneficial impact to the community. Trustee Ross-Williams asked if Attorney Winters got any insight on why Nexus was moving forward before they get approval from FERC regarding the wildlife. Attorney Winters said that Nexus has an aggressive schedule where they intend to have the pipeline fully constructed May through September, 2017.

Clerk Lovejoy Roe said that when she, Treasurer Doe, and Attorney Winters met with Nexus they indicated they had all the permits they needed to move forward and were now waiting on the final FERC approval.

Trustee Jarrell Roe thanked Attorney Winters for all his work. She stated that this might be business as usual for Nexus but this would affect our Township and she felt we needed these questions answered.

Attorney Winters said he feels that Nexus has held back information and he questioned if there was more to discover. He said that the board should work at their speed and not make decisions based on the Nexus schedule. He said he feels we need to settle the odorization issue with Nexus. Attorney Winters said that Nexus knows that they cannot get the approval in their name from FERC and that the Township has to request approval from FERC. He said that FERC then has 60 days to approve the request once they receive it. Attorney Winters does not feel that Nexus should demand when the township should request the approval from FERC.

Supervisor Stumbo stated that from what she had read that a lot of the gas would be going to Canada. She said that what the Board needs to vote on tonight was whether to negotiate with Nexus regarding easements. Attorney Winters said that it would be the Board that would authorize negotiating with Nexus. He said one issue would be to negotiate with Nexus to drop the request for the waiver and odorize the pipeline in Ypsilanti Township. Supervisor Stumbo stated Nexus had applied to FERC for approval last year and had expected to receive the certificate in the last quarter of 2016 and the construction would begin in the 1st quarter of 2017. Attorney Winters said they may be behind because on December 20, 2016

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they said they would have the approval within 30 days. He said in the letter he just received they said it might be a few more weeks before they receive the certificate for necessity that allows them to move forward with the construction. Attorney Winters said he believes they can begin the construction and decide on the odorization issue later because that was something Nexus would add at the end of construction. Supervisor Stumbo asked if odorization was something that could be negotiated in court. Attorney Winters stated that this would not be negotiated in court during an eminent domain hearing.

Clerk Lovejoy Roe stated that Ypsilanti Township is the only area where Nexus was asking for an odorization waiver. She stated Nexus said they would include additional monitoring on the pipe in our highly populated area but she felt we should discuss this process with a neutral expert since we do not know if having more monitoring and a thicker pipe would be better than having the odorization as Nexus was claiming.

Trustee Ross-Williams stated that since Nexus has not been forth coming regarding various issues with the pipeline how would we know that they would enter into good faith negotiations with the township. Attorney Winters said that if we enter into negotiations we would find out pretty quickly but he did not have an expectation on how forth coming Nexus would be.

Supervisor Stumbo asked if we do not authorize negotiations was that a signal for Nexus to file for eminent domain. Attorney Winters said that for sure if the Township Board decides not to negotiate, Nexus would have no other recourse but to go to court. He said that if they get eminent domain they don't get to do everything they want but it was a powerful tool that was reserved for public purposes. Attorney Winters advised the Township to go into negotiations in order to specifically address the odorization issue, issues with the FERC licensing, and the schedule for ACM.

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Supervisor Stumbo said that in the beginning Nexus made this pipeline sound like we needed it because our supply was not adequate and then we found out that it was going to Canada. She said it was hard to vote on something that she didn't believe in.

The Board adjourned the work session meeting at approximately 7:02 p.m.

Respectfully Submitted,

Karen Lovejoy Roe, Clerk