



Rochester Hills

Minutes - Draft

Brownfield Redevelopment Authority

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Chairperson Thomas Turnbull
Vice-Chairperson Robert Justin
Members: Werner Richard Braun III, James Nachtman,
Mark Sera, Del Stanley
Council Member Ryan Deel

Tuesday, March 6, 2018

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Thomas Turnbull called the Special BRA Meeting to order at 7:00 p.m. in the Auditorium.

ROLL CALL

Present 4 - Mark Sera, Thomas Turnbull, James Nachtman and Ryan Deel

Excused 3 - Del Stanley, Robert Justin and Werner Richard Braun III

Quorum present.

Also present: Sara Roediger, Director of Planning & Economic Dev.
John Staran, City Attorney
Thomas Wackerman, President, ASTI Environmental
Maureen Gentry, Recording Secretary

APPROVAL OF MINUTES

[2018-0076](#) November 16, 2017 Special Meeting

A motion was made by Deel, seconded by Sera, that this matter be Approved as Presented. The motion carried by the following vote:

Aye 4 - Sera, Turnbull, Nachtman and Deel

Excused 3 - Stanley, Justin and Braun III

COMMUNICATIONS

There were no Communications presented.

NEW BUSINESS

[2018-0077](#) Request for approval of a Brownfield Plan for Legacy Rochester Hills, City File No. 17-043, for the remediation of property for a proposed residential apartment

development on 28-acres at the northeast corner of Hamlin and Adams, zoned by Consent Judgment, Parcel Nos. 15-29-101-022 and -023, Goldberg Companies, Applicant

Ms. Roediger stated that the request was for a Brownfield Plan for Legacy Rochester Hills, proposed for a 28-acre site at the northeast corner of Hamlin and Adams. She noted that the site had been the source of a previous Brownfield Plan that was approved. There was also a Consent Judgment on the property, and both never came to fruition. They were approved over ten years ago. The City had been working for the past year or so with a potential developer who would like to do residential apartments. The previous plan was for a combination of retail and office, and the new project would change the Brownfield Plan and the Consent Judgment. Staff had discussed with the applicant the willingness on the City's part and the property owner's part to amend the Consent Judgment. That topic went to City Council on February 5, 2018. After much discussion with the applicant and staff, City Council looked very favorably on the revised plan. The Consent Judgment delved pretty deeply into the details of the environmental clean-up, and the clean-up was what drove part of the Consent originally. She introduced the City's environmental consultant, Tom Wackerman of ASTI Environmental and John Staran, the City Attorney. They had been working with staff and the applicants on the Brownfield Plan. At the February 5, 2018 City Council meeting, the existing Brownfield Plan was terminated. The applicant wished to present a new Brownfield Plan, which was one of many steps that had to happen as part of the process. A site plan had to be submitted for development of the site, which would be a recommendation from the Planning Commission to City Council. There had not been an official site plan submittal yet. She noted that the amended Consent Judgment was under the purview of the City Council. The Brownfield Plan talked about the funding associated with the clean-up required. The Brownfield Redevelopment Authority (BRA) was a recommending body to City Council. She advised that the Board would hear about the funding in the Plan from the applicants.

Mr. Seth Mendelsohn, from Goldberg Companies, introduced the team. He said that they were definitely looking forward to working with Rochester Hills. They felt that it was a project that everyone would be proud of. It involved a very significant clean-up that was as important to them as to the City. They wanted to make sure there was no stigma, and they very much cared about their reputations. Getting it right was extremely important. He introduced Arthur Siegal, an environmental attorney with Jaffe, Raitt, Heuer & Weiss. AKT Peerless was their environmental consultant on the project. They had relied on them as well as ASTI (the

City's environmental consultant) to help guide them. From AKT Peerless, he introduced Tony Anthony and Bret Stuntz.

Mr. Siegal stated that the purpose of getting a Brownfield Plan approval was to provide a funding mechanism. He agreed that the BRA had approved a Plan for the site back in 2006, and that Council terminated it in February. By approving the Plan, they would be determining that the development team had put together a Plan that met all the requirements of the Statute, identified the costs, and identified that the costs were reasonable. The result of the approval, as well as approval by the MDEQ, would allow the capture of the tax increment created by the development. The Plan was a financing tool, and it meant that the property had a low value currently because it was so fallow. Following the clean-up of the property, he maintained that its taxable value should go up dramatically to everyone's benefit. The increase would be captured. There were certain exceptions in the Statute for things that could not be captured, such as monies that would go to pay off bonds or the Detroit Zoo taxes. The bulk of the increase, both local and state taxes, would hopefully be captured. The City would continue, for the period of the capture, to receive the same tax monies all the taxing jurisdictions previously had been getting. Once the developer was repaid, all the taxing jurisdictions would get all of the increase in the taxes. The Plan would allow the developer to take the risk of investing money in the project and spend it on eligible activities, which were largely clean-up expenditures. If the project was successful, and it generated the tax revenues that were expected, those unequal costs would be reimbursed to the developer. That process started with the BRA. The hope was that the BRA would approve the Plan and agree that it checked all the boxes, and that the costs identified were reasonable and appropriate. It would then move on to the City Council and the State of Michigan.

Mr. Siegal confirmed that there was a Consent Judgment in place, and along with the Brownfield Plan, they called for similar kinds of work at the property but not the same. If the original Plan from 2006 had been followed, there would be a commercial development. The clean-up, therefore, would not be as complete. At the time, there was a proposal to do commercial standard clean-up, which was not the most rigorous or complete, and it would not have restored the property to a pristine condition. There were two components to the property; an east half and a west half. The east half had a much more daunting problem, because there was basically a small landfill there. In both proposals, that landfill was going to be removed. The prior proposal did not give much in the way of description as to how that landfill would be dealt with, and it just

said that it would be discussed between the parties. If the parties could agree as to how it would be addressed, it would be encapsulated, but there were no details. The difference with the proposed Plan was that the west half of the property, which would be fully developed for residential purposes, would be fully remediated. All the contaminants would be removed, and there would be confirmatory sampling done by the consultants to verify that the site had been restored to a pristine condition. They had committed in the draft Consent Judgment that the developer would go to the MDEQ and request a No Further Action (NFA) letter. Not only would the City have an opportunity to review the work and confirm what was done, but there would be certainty from the MDEQ that no further action would be needed. He claimed that it should give a great deal of comfort, because the property would have literally been restored to a green condition. That was not proposed previously. The contaminants would be hauled to a landfill at a greater expense.

With respect to the east half of the property, Mr. Siegal advised that there had been a vague commitment made previously about encapsulating the landfill area. The new developer was proposing a much more robust approach. There would be some excavation and disposal of hot spots on the property, but there would be a more robust encapsulation. While it would not be a licensed landfill, it would serve a lot of the same functions. There would be a slurry wall around the waste. There would be a cap on top, and it would be engineered, and it would do what the City hoped it would - effectively entomb the material in perpetuity. The former developer proposed developing on the eastern parcel. With the new proposal, with the exception of perhaps parking, it would be left as a recreational green space for the community. It would not be a part of the park, but it would blend with it and provide value to the park system. He said that he would be happy to answer any questions.

Mr. Stuntz noted that he did economic development work at AKT Peerless, and that Mr. Anthony was a Principal. Mr. Anthony had been working on the site for about 15 years. Mr. Stuntz showed a slide of the east/southeast portion of the site, where paint waste was dropped in the late 1960's. He said that the site sloped from Adams to the east and downward on the northeast. The plan for the western parcel was to clean it so they could get an NFA determination approved by MDEQ. They were trying to redraw the parcels and push the eastern parcel boundary as far east as possible so they could clean up as much of the site as economically feasible and utilize as much of the site as possible for productive use. It would limit the area where the encapsulation would occur, and the greenspace would be created. He pointed out red boxes

designated as areas A-F. Historically, the site was the Christenson Landfill from the 1950's. It was undulating, and over time, people deposited municipal waste there. They analyzed the environmental data for organic compounds, PNAs (the oilier contaminants), metals and PCBs. He claimed that the site had everything, but the magnitude of the contamination increased toward the east. There was metals contamination, in particular, in the further west areas. They started to see more PNAs, VOCs and PCBs going further east. There had been investigations on the site for decades. The EPA got involved in the 1980's, and their concern was PCBs. They wanted to determine if they should get involved, and if they thought the PCBs were mobile and created further issues. The EPA determined that they were not, and therefore the site was just under the DEQ. The DEQ got involved in the 1990's and did some clean-up activities on the paint waste in 2000 until their funding could not remedy all the problems.

Mr. Stuntz advised that there were about 70,000 yards of impacted soil that needed to come out on the west parcel, which was a substantial amount of material. Sampling and reporting needed to be done, and potentially dewatering. If everything went well, they would eventually submit a Work Plan to the DEQ, and they would approve the activities. They then might be able to commence clean-up activities on Parcel A in the beginning of June. That work would take three to four months, and they hoped to get an NFA determination from the DEQ in the fall. In 2019, they would complete the work on Parcel B. That would entail further excavation in area E on the west side of the encapsulation area. Based on the degree of contamination in that area, the materials would be classified as hazardous, which meant that the disposal costs would go up significantly. Not only would there be a high volume of material that was contaminated, but the cost to get rid of it would be higher than the disposal costs for the non-hazardous, contaminated material. They would construct a clay wall and excavate a trench around the north and east sides of the encapsulation area. Depending on where they were on the slope, there was a clay layer about 15-25 feet down which went another 50 feet down. They would tie in a two-foot compacted clay wall to the clay confining layer that was currently beneath the encapsulation area and put a two-foot cap with a flexible membrane liner on top of the encapsulation area to completely encapsulate it. That would all be coordinated with the DEQ and be part of the 381 Work Plan and would identify the activities and further detail necessary on what response activities were going to go into place. They would complete a documentation of due care with the DEQ. That was essentially a roadmap for the future. Whereas the western parcel would be completely cleaned up, the eastern parcel would

still have contamination that was present on site, but it would be manageable in accordance with the DEQ's regulations. One of the provisions in the Brownfield Plan was an operations and maintenance budget to make sure the due care was met going forward. The other issue they were dealing with was the potential for methane migration on the site. They had not detected big issues, but it was in the area, and methane tended to move. The residential homes and the occupied areas on the site would have passive venting systems as a precautionary measure. They would work with the DEQ to identify whether additional interceptor trenches were necessary to mitigate methane issues. Those could be along the southern side of the property (Hamlin Rd.) or between the landfill area and Parcel A. In total for brownfield eligible activities, it would be \$9.6 million to address all of the issues. The development itself was approximately a \$49 million cost. That included the \$9.6 million of environmental response activities. They had worked with the City's Assessor to estimate the taxable value. They felt comfortable with the projections in the Plan. Once the development was fully stabilized, the projection was that the annual reimbursement would be approximately \$600,000, depending on how the development increased or decreased in taxable value over time. That would include a 21-year reimbursement period and another three years to fund the Rochester Hills Brownfield Revolving Fund, if necessary.

Mr. Siegal stated that the \$9.6 million Mr. Stuntz mentioned included a contingency factor, as recommended by the DEQ for every Brownfield Plan. If, for some reason, things go more easily, it would not be as expensive. If the money did not get spent, there would be less to be reimbursed. There was an agreement that it would not go beyond 24 years, but it could be less. They also understood that the City had elected not to have a Brownfield Revolving Fund. He asked Mr. Staran if that was correct, which was confirmed. Mr. Siegal said that the 24 years would become 21 years. If the City changed its mind in the next 20 years and decided it wanted to have a Revolving Fund, the Plan would provide for that money (almost \$3 million over the life of the Plan).

Mr. Nachtman asked if they had an estimate of the total volume of the containment area. There was an estimate of 70,000 cubic yards to be hauled off from Parcel A, which was non-hazardous waste. Mr. Stuntz said that area E was approximately 23,000 yards. The area was relatively similar, but the depth was greater on the encapsulation area. Mr. Siegal asked the anticipated acreage of the encapsulation area. Mr. Stuntz believed it was an acre or two out of a 27-acre site. Mr. Mendelsohn added that the conservation was just over three acres. The entire eastern

side would not be built on. Mr. Stutz said that the quick calculation on the encapsulation area was approximately 25,000 yards, and that the cost for disposing hazardous was greater.

Mr. Turnbull asked if Parcel A would be taken to an unlimited residential closure. Mr. Siegal said that was correct. Mr. Turnbull asked if everything that was Legacy would be there. He asked if there would be a different ownership for Parcel B. Mr. Siegal said that the intention was to have it in a non-profit entity. Mr. Turnbull asked if the developer would still retain ownership. Mr. Siegal said that the developer would retain the responsibility for conducting all of the work and be responsible under the Consent Judgment to maintain the due care activities. Mr. Turnbull asked if the developer would retain it, be responsible for due care going forward with two separate entities from the residential portion and still own it. Mr. Siegal agreed.

Chairperson Turnbull opened the Public Comments at 7:37. He advised that a Public Hearing would be held at City Council.

Paul Boulanger, 2025 Mapleridge, Rochester Hills, MI 48309 Mr. Boulanger said that as a resident, he was concerned about his daily life. He presently overlooked the site, and since he was retired, it was what he looked at all the time. It was mentioned at the Council meeting about the site being polluted, and he asked if the sites A-F were the only polluted sites. He asked if the study was done by the EPA.

Mr. Siegal said that there were a number of studies done over a number of years by different entities. A-F were the primary pollution areas, but there was contamination throughout the entire property.

Mr. Boulanger asked if there could be contamination in places other than what was shown, which was confirmed. Mr. Boulanger asked if there would be more testing.

Mr. Anthony said that when the EPA originally did some work, it was very minimal. The reason they did some work was that back then, there were Super Fund sites. The State reported it to them, and they wanted to see if there was an imminent threat to human health and environment. They only did a few borings, and the answer was "no." Then it was turned over to the State. The State said that it did not meet the Federal level of imminent threat, so they wanted to see if they could find a viable party to clean it. In the containment area, they found drums of paint waste. They excavated what they could until the allocated funds were exhausted. At

that point, all work ceased. In 2007, a developer took a look at it again and investigations began. They tried to answer questions that the previous investigations had opened up. For example, they knew that there were PCBs. They wondered if the PCBs had migrated towards the residential property. There was considerable work done to address that, and it went across the entire northern property line in order to show that PCBs were not migrating. As that progressed, they began to find that there was a distinction between the type of landfill material that occurred on the western portion and the eastern. They did a much broader investigation and put in monitoring wells in a grid fashion so they could geographically spread across the entire property looking at the ground water quality and the soil. They found spill material. They put in a series of test pits to try to narrow the amount of fill material and where it was located. He believed that the whole area was used as a landfill. To the south across Hamlin was the old Cardinal Landfill, which was much larger. That was where the methane was produced. The early waste was dumped into the lower areas of the property, leaving a shallower municipal-type of trash. They thought they had identified all the major areas, and once they began to open the ground, they would collect samples. They would use visual and lab results to indicate when they were done. There was one other part, and that was during construction when the grading started. The soil on the top would be moved, and if there was fill material, it would generally be at the top. They could see it, and they would respond immediately and remove the fill.

Mr. Boulanger asked how long it would tie up the area to remove the dirt and if more would be brought in. Mr. Anthony said that part would involve the site planning with the final site elevation. The final site elevation indicated land balancing. They knew they would be removing a volume of material that was contaminated. Based on the final land elevation, it would tell whether soil would be brought in or not. They were anticipating that they would bring in some soil in order to achieve the proper land balance.

Mr. Boulanger claimed that soil would be moved around and emptied on the roads. It would be a large project with tall buildings. Mr. Anthony said that they would keep all truck traffic on Hamlin Rd. It would be a shorter direction to the highway. Mr. Boulanger said that they would not access M-59 at all. If they exited on Hamlin and they wanted to go to M-59, the signs directed people to go north on Adams to make a u-turn. He asked if they would drive up Adams. Mr. Anthony emphasized that they would not go up Adams.

Mr. Siegal said that the Plan had a proposed truck route, and it kept the trucks only on Hamlin. They would make a u-turn west of Adams. Mr. Boulanger stated that it was a bad intersection. There was stopped traffic during rush hour and bumper to bumper coming off the expressway. They would be locked up during rush hour traffic, so he suggested that they should see what they could do about that. Mr. Anthony said that with any construction, they would have to deal with some disturbance. They would try to minimize that. To control tracking dirt onto the road, before the trucks left the site, they would have a dirt knock-off area. Mr. Boulanger asked if how they removed the contaminated soil had to be approved and if someone oversaw that. Mr. Anthony said that definitely someone would oversee it.

Mr. Siegal said that both the City and the DEQ would have the opportunity to review what was being done as it was being done. At the end, there would be sampling done and a report prepared.

Dawn Harimoto, 3106 Quail Ridge Circle, Rochester Hills, MI 48309

Ms. Harimoto asked if Parcel B would be remediated before any of the development took place on Parcel A. She wanted to make sure that if costs went so high on Parcel A that there was a requirement for Parcel B to be remediated. When she read the Plan, and they mentioned Parcel B and how it would be excavated, it said that the criteria they would use was visual and ole-factory, meaning see and smell. She heard from Mr. Anthony that it was visual and laboratory. She hoped that would be changed in the Plan. If the encapsulation needed to be larger, she wondered if that would happen. It might be that two acres was enough, but it might need to be larger. She was concerned about continued spill-off to Innovation Hills. She would like the encapsulation to be the appropriate size to protect the adjacent land.

Mr. Siegal said that under the proposed, amended Consent Judgment, clean-up work would start west to east. Development work could start once the clean-up work on Parcel A was completed, but in terms of getting a Certificate of Occupancy, the work would have to be all done on Parcel B before that happened. Apartments could go up on the west end, and remedial work would continue at the east end on Parcel B.

Mr. Anthony said that regarding the size of the encapsulation, if they saw that a larger area was needed, it would be made larger. They estimated the area based on the investigation, and a considerable amount was done. They would do a small investigation between now and finalizing the Plan that would specifically look at the western edge of the encapsulation

area.

Mr. Stuntz said that regarding visual and ole-factory on Parcel A, they would be going for an NFA, and they needed to demonstrate that they had not left anything behind. For Parcel B, they would excavate up to a point where the nature of the material changed from hazardous to non-hazardous. The easiest way to see that in the field would be based on visual and ole-factory observations. All the material that came off the site would be subject to waste characterization sampling, so there would be laboratory analyses done on the material that came off of Parcel B. In terms of getting the earliest identification of where the perimeter of the encapsulation area was, the easiest way would be in the field where they started to see and smell the paint waste. Whatever the area ended up being, it would be based on the conditions of where the hazardous material physically began.

Mr. Anthony said that he did not like to rely solely on ole-factory. It was put in the Plan to illustrate the point that it would not be ignored, but it was not a primary tool for defining extent.

Edmund Baron, 3310 Greenspring Lane, Rochester Hills, MI 48309

Mr. Baron said that he was a former City Council member and served four years on the Planning Commission. The reason he was involved was not because the developer with a four-story unit would discourage quality development with an eye sore. He said he was not present for that. He was there strictly for the health and safety of the residents. He asked what was more important than the people. He pointed out that the parcel was adjacent to the Clinton River. They loved the River and spent a lot of money helping to clear it. If things were not done properly, there could be severe damage to the Clinton River. He hoped that aspect by the State and proper departments would be involved. When he looked at the original data on the website, the map showed a section M which said playground. He claimed that it would be next to the worst contaminated site on the property. He asked if that was due diligence to present to the BRA. He did not think that anyone on the board would give approval based on that item. He knew that they had a difficult decision to make, but he thought it was easy - health and safety of the residents and no contamination of the Clinton River. He said that they appreciated all the members were doing for the community. It would be a long process. The residents had already contacted the people at the EPA they used for previous landfill projects. They also contacted the State people, for instance Gary Peters, who was a resident of Rochester Hills and was now a State Senator. He was an environmental-type of person. They were

going to do everything to make sure everything was legitimate and worthy of consideration. He asked the members to help and protect them, as they were their neighbors.

Laura Cunningham, 3335 Kenwood Dr., Rochester Hills, MI 48309

Ms. Cunningham said that in terms of the environmental, they were very concerned about the water. Methane migrating was mentioned. They lived across Adams from the development. She was concerned about the roads. They were due to get a new Hamlin, and there would be a bunch of trucks all over it destroying it again. She claimed that everyone knew the condition of Hamlin at the intersection, which was horrible. In terms of planning, which she knew was not part of the discussion, it dealt somewhat with the pro-forma of the project where the costs were offset. She saw a lack of landscaping, and the curb cut locations really concerned her. There would be parking right on the road. She was concerned about the offset of costs for an intense development versus the clean-up, and it did not sound like a full clean-up. She was concerned about the project as a whole.

Lawrence Schloss, 2851 Current Dr., Rochester Hills, MI 48309 Mr.

Schloss asked who would be in charge, if the project proceeded, of the level of removal and encapsulation. Mr. Turnbull said that it would be part of the response plan, and the State of Michigan would be involved. Mr. Schloss asked who would be in charge.

Mr. Siegal said that with respect to Parcel A, there was a commitment to see and obtain a No Further Action letter from the MDEQ, so the MDEQ would be the final arbiter and review all the data and documents. If they found that something was missed, they would have to go out and satisfy them.

Mr. Schloss asked if that determination would be made at the end of the process of encapsulation and containment or if it was made as they went along. He asked who would be in charge on a daily basis of directing the removal and the encapsulation. Mr. Siegal said that it would be the developer and the environmental consultants with oversight by the City. The City would have the opportunity to observe and comment on everything that was done.

Mr. Schloss said that there was a level of risk to humans, real estate and personal property, and he asked how that risk would be borne and who would bear it. He asked if there would be insurance involved. Mr. Siegal said that there was a risk associated with the current condition of the

property. It was contaminated, and there was debris throughout the property. It could be leaching into the ground, the groundwater and the Clinton River right now. The developer would eliminate that risk on Parcel A and dramatically control it and eliminate some of it on Parcel B. He did not believe that the developer was ready to make a commitment as to whether or not there would be cost overrun insurance. There had been a significant amount of investigatory work. The cost estimates in the Plan were based on all the professional expertise and judgment of the environmental consultants. There were provisions for some contingency costs. The developer would take the risk. If the costs went above and beyond, the developer would eat those costs. Mr. Schloss said that he was informed that the project to the south failed because it was deemed not insurable by the carriers involved. Mr. Turnbull explained that it was a different project, and it was a different group and site.

Amro Sheta, 2093 Mapleridge Rd., Rochester Hills, MI 48309 Mr. Sheta said that it was a toxic site, and methane migration was mentioned. They would do something for the buildings to alleviate pressure underneath them. He lived on the west side of Adams, and he asked how they could make sure the migration did not go into the surrounding neighborhoods. The developer would be securing his buildings, but Mr. Sheta asked if something could migrate under the streets and go into the neighborhoods.

Mr. Nachtman asked Mr. Anthony if he had a layout of all the test wells that had been on site. Mr. Stuntz said that in the Plan, it showed where soil and ground water samples had been collected. Mr. Nachtman pointed out that wells from the 1980s were shown. He said that when extensive ground water test wells and hydrostatic studies were done, they determined what the flow rate of the ground water was. He was surprised that the ground water flow under the site did not go directly north underneath the neighborhood. It actually went east. He said that was not unusual for the geology. He lived in Fairview Farms on a big chunk of clay. The clay lenses had a habit of directing water flow in different directions. For the subject site, the ground water did not go directly up, where it would seem likely because of the Clinton River, it went east. There was a lot of contamination and if it was in the ground water, it would not go into the neighborhood but into the Innovation Hills park. His interest was that the encapsulation area was basically where all of the ground water would be flowing, and that was the reason why they had the slurry wall. That would keep the ground water from flowing through and carrying the contamination further along into the Clinton River.

Mr. Sheta said that there was no guarantee that it would always go to the east. He asked if it could go to other areas as well. Mr. Nachtman said that ground water was not like surface water. It flowed a foot a year at most. If there were a lot of test borings done, it would give a pretty good idea of where the ground water would go, unless things were dug up for construction, which was one of the reasons why they had to go through all the studies, and the State had to give its blessing. Mr. Sheta asked about methane gas.

Mr. Deel said that it was his understanding that the landfill across the street to the south, which was not a part of the subject development, was from where the methane was coming. If there was anything coming from the property to the south, he reminded that it was related to that property. He added that whatever methane was getting released, it was getting released right now by the landfill across the street. The developers would be protecting their property being in such close proximity to the other landfill, which currently existed. He indicated that the landfill to the south would still be there once the project was in place. The developers were protecting their property from any methane that might come from the south.

Mr. Sheta asked if there would be any instruction in how the methane would move when they started securing their site. Mr. Deel said that it was his understanding that the proposed Plan would be creating another methane release that might be better.

Mr. Anthony said the question was whether their work would open up a new pathway. There had been over ten years of monitoring by the State. The methane had not been shown to have crossed Hamlin. There was quite a bit of data. Since they would not be doing any work in the road, they would not be opening up any new pathways. Their systems under the building were a requirement of the lenders.

Mr. Sera said that one of the citizens was concerned because on the east side there was the small landfill, and the Plan showed a playground there. The developer had proposed a two-foot clay cap and other things. He asked if there was any history on what they were proposing and how it protected something and if it had ever gone awry.

Mr. Anthony said that the small playground would be on the property that they were seeking the NFA letter. Mr. Nachtman asked if it would be on Parcel B or A, and Mr. Anthony said it would be in Parcel A. He said that

they would be putting in a pretty aggressive landfill cap. He suggested taking a look in New Hudson where they had baseball diamonds over a landfill. It was commonplace to have some type of open field recreation over a contained area. They would not even allow that for their project. It would be away from the cover itself, and the cover would just be open space.

Mr. Siegal advised that there was a commitment in the Consent Judgment that the landfill would be fenced or have some type of access barrier. Kids could go onto the green space around the hill, but they would not be able to go on the hill.

Sherif Matta, 2019 Mapleridge Rd., Rochester Hills, MI 48309 *Mr. Matta said that he was a control engineer at Chrysler, and he lived across the street. He also was concerned about pollution. They talked about the project, and it seemed to be a good project, but at the same time, he asked what the cost would be. He did not want to pay the cost of his kids' health, and he asked what could go wrong. He asked if any studies showed what could go wrong.*

Mr. Siegal asked if he meant during the project as opposed to the current situation, which was completely uncontrolled. Mr. Matta asked how it would be better. He asked if it would really be better. Mr. Siegal said that it absolutely would. The vast majority of the site would be scraped clean. The contaminants left from the 1950's and 1960's would be dug up, hauled away to a landfill and be properly disposed rather than be left out there as it was currently. Mr. Siegal said that the vast majority of the site would be a Greenfield.

Mr. Anthony said that part of their investigation ten years ago was to show that it was not migrating into the neighborhood. He said that his kids were grown, but he could see that the property would be a magnet for kids. There was considerable fill material on the property without any type of engineered or controlled cover. He said that what they planned would definitely improve the site. It would greatly reduce any risk of exposure. With the steps that had been incorporated, it was one of the most rigorously tested sites that he had worked on in his career. He assured that all of the safety aspects would be in place.

Mr. Matta said that there would be a certain degree of pollution, and he asked if the proposed project would lower the pollution. Mr. Anthony said that it absolutely would.

Mr. Deel said that there was one thing they had not heard, and he wanted to make it clear. The current status of the pollution on the property, as he understood, was fairly dangerous stuff. So the residents understood, he stated that there was uncontrolled pollution in an illegal dumping site. There was currently nothing there to protect the neighbors. He thought that it would be a good time to hear about the current state of the property.

Mr. Wackerman stressed that the site had to be cleaned up, and he had stated that at every public meeting. He indicated that it was a dump in the technical sense of the word. There were parts that had some controls on them, such as partial caps. He commented that it was lucky that it had not migrated. It was fairly stable and had been there a long time, but it needed to be cleaned up. He agreed that it would be much cleaner when the project was done than it was now. They kept talking about the cap on Parcel B and the slurry wall and how it would not be completely remediated. The standard that the developers had to meet for that Parcel was the same standard they would have to meet for a shopping center or an office building or any other use that was also contaminated. People went to shopping centers that were built on contaminated properties. The subject property would be usable, and currently it was not at all usable. He recalled that at one of the meetings, he went up to a parent with kids because he heard the kids say that they went onto the subject property all the time. He told the parents, "Not anymore. You do not want children on that property." It looked beautiful, but it was contaminated with PCBs at 525 times the residential standard in the old landfill area. He stated that it was a lot of contamination.

Mr. Matta asked if there would be another measure of the pollution after the project was done or during the project. He asked how it was measured.

Mr. Siegal said that all of Parcel A, which was about 70% of the site, was going to be excavated, and there would be confirmatory sampling to demonstrate that the levels were below what the DEQ viewed as acceptable for residential. It would effectively be a green site. Metals were naturally occurring, and they were found on clean sites in the soil. The DEQ standards would be applied, which were the most conservative for residential use. With respect to Parcel B, it would be encapsulated using standards that were modern, and the area around the encapsulation would also be tested and confirmed that it was below acceptable non-residential standards. The encapsulated area would have a long-term maintenance plan to make sure that the cap stayed intact and did not erode or wash out. Currently, there was none of that. If there

was a lot of rain and the soil washed off and a drum got exposed and started leaking and washing toward the River, there was nothing stopping it. The project would put controls in place, and they would be monitored for an extended period of time.

Mr. Matta asked about the road capacity, and if they had taken into account the number of units (368). Mr. Turnbull said that he appreciated the question, but the board was the Brownfield Redevelopment Authority. He advised that the Planning Commission and City Council would entertain questions about the road capacity.

Chairperson Turnbull closed the Public Comments at 8:24 p.m. He said that he personally wanted to thank the applicants for the presentation and their interest in undertaking the project in Rochester Hills. He had had involvement with the site for 30-plus years. He liked the fact that they were willing to give a kick at the can when others have picked it up and put it back down. He also liked that they were going to take the full development piece to a No Further Action level. It would be a property they would be proud of, and they would take care of the other parcel that would be a separate entity. It would get the City a lot further than it had ever been, and he felt that it was an admirable plan. Hearing no further discussion, he moved the following, seconded by Mr. Nachtman.

MOTION by Turnbull, seconded by Nachtman, in the matter of City File No. 17-043, the Brownfield Redevelopment Authority ***recommends that City Council approves the Brownfield Plan*** dated February 20, 2018 for Legacy of Rochester Hills, Parcel Nos. 15-29-101-022 and -023 with the following four (4) findings and subject to the following two (2) conditions:

Findings

- 1. The submitted plan meets the requirements for a Brownfield Plan under State Act 381 and the City of Rochester Hills.*
- 2. The subject parcels qualify as a "facility" under the terms of Act 381.*
- 3. The submitted plan qualifies for the use of tax increment financing based on the policies and goals of the Brownfield Redevelopment Authority.*
- 4. If implemented, the amount, pay-back period and use of tax increment financing is reasonable for the eligible activities proposed.*

Conditions

1. *A reimbursement agreement shall be negotiated between the City and the applicant prior to any TIF monies being paid out for eligible activities. The reimbursement agreement and the Brownfield Plan will dictate the total cost of eligible activities subject to payment, provided that the total cost of eligible activities subject to payment or reimbursement under the reimbursement agreement shall not exceed the estimated costs set forth in the Brownfield Plan by more than 15% without requiring an amendment to the Brownfield Plan.*
2. *That if the extent of due care activities related to the subject site is altered or revised due to a change in the proposed development plans or proposed use of the site, the applicant shall submit for an amended Brownfield Plan to the Brownfield Redevelopment Authority.*

Voice Vote:

Ayes: Deel, Nachtman, Sera, Turnbull

Nays: None

Absent: Braun, Justin, Stanley

MOTION CARRIED

Chairperson Turnbull stated for the record that the motion had passed unanimously, and he thanked the applicants.

Ms. Roediger mentioned that the item would go to the City Council for a Public Hearing. If someone spoke and provided an address, staff would notify of the meeting. It would be posted on the website. Staff was targeting the March 26th meeting, however, that was not official.

ANY OTHER BUSINESS

There was no further business to come before the Brownfield Redevelopment Authority.

NEXT MEETING DATE

Chairperson Turnbull reminded the BRA Board that the next Regular Meeting was scheduled for April 19, 2018.

ADJOURNMENT

Hearing no further business to come before the BRA Board, and upon motion by Mr. Nachtman, Chairperson Turnbull adjourned the Special Meeting at 8:25 p.m.

Thomas Turnbull, Chairperson
Rochester Hills
Brownfield Redevelopment Authority

Maureen Gentry, Secretary