Minutes

Room 201B, Macomb Intermediate School District, 44001 Garfield Road, Clinton Township, Michigan 48038

Wednesday, December 4th 1:30 - 3:30pm

1. Introductions/Roll Call
   (5 min)

Lori Fuller, USGS
Joe Duris, USGS
Annette DeMaria, ECT*
Bill Parkus, SEMCOG
Lara Sucharski, MCPWO*
Jamie Burton, HRC
Shannon Filarecki, Fazal Khan*(on behalf of Joe Youngblood – Shelby Twp.)
Ron Fadoir, OCWRC*
Shawn Keenan, Auburn Hills*
Tim Backhurst, Citizen at Large*
Tim Pollizzi, Rochester Hills*
Peggy Johnson, Citizen at Large*
Jeff Bednar, AEW
Luanne Laemmerman, Macomb County Prosecutors*
Jen Tewksbury, MDEQ
Don Brown, Candace Miller’s Office
Paul Muelle, HCMA*
Dianne Martin, ASTI
Randy Young, MCC
Mark Richardson, Current PAC chair*
Nik Banda, City of Rochester
Jerry Demaire, Citizen at Large*
Amanda Priemer, MCPED*
Matt Williams, Stabenow’s Office
Sue Viriglio, USEPA
John Mularoni, Business Representative*
Steve Vandette, City of Troy*
Amanda Oparka, CRWC
Jeremy Geist, CRWC
Anne Vaara, CRWC

*indicates voting member

2. Adoption of Agenda/Approval of June 19th meeting minutes

3. Chairpersons Report
   (Mark spoke Briefly)
Mark Richardson: How many people consider themselves voting members? 5 people raised hands (there were more voting members present than raised their hands).

4. Project Matrix (Great Lakes National Program Office (GLNPO), Tewkesbury) (10 min)

“Short list”: Sue and Jen are working on a short list and then looking at where we are on certain BUlIs and how we can work towards delisting. Are these still viable projects? Is there anything missing? Trying to put something together to show the EPA what needs to be done to get us to delisting 2018. Do we put money into the Red Run because it has to function the way it does? Everyone needs to examine the list and let Jen know if the projects are not viable or if they are missing. Please look over the handouts Jen brought and get your comments to her by Feb 14th.

Shelby Township’s representative inquired as to whether or not the River Bends Park project should be added. Jen explained that the EPA didn’t really want to see new projects added to the list at this time but that the project could likely be funded through different funding mechanisms.

5. USGS Work in the Clinton (USGS, Joe Duris) (30 min)

USGS provides reliable, impartial, timely information that is needed to understand the nations water resources. There are 12 USGS stream gauges in the CR watershed soon to be 13 and one continuous water quality gauge at Moravian drive. The 13th gauge will be in the middle branch. Trends are monitored through WCMP at 6 and 10 year, Cu, Pb, and phosphorous is decreasing at Moravian Drive. Chloride is increasing. GLRI Tributary monitoring began in 2010 at Moravian Drive; they are monitoring nutrients, sediments, major ions, and continuous water quality data. Also analyzing pathogens/source tracking, fDOM (fluorescent dissolved organic matter) and emerging chemicals. Looking for loads, trends and links to other monitoring data. Wastewater analysis shows Rouge and Clinton have high concentrations of caffeine, cotinine (additive of cigarettes), and menthol. Clinton ranks number 5 out of all the sites for pharmaceuticals. NAWQA monitoring in Clinton River at Sterling Heights for Flow, nutrients, sediment, 270 pesticides, major ions, bacteria, heavy metals, and VOCs. This will continue for 9 years. Diazinon (insecticide) has been monitored since 95 and you can see the decrease in the water since it was outlawed for home use. A new USGS study the Clinton River Multi-tool sewage source study through the GLRI. Trying to correlate fDOM/CDOM and EEM, Wastewater compounds, fecal indicators, and human related viruses.

6. PAC Support Grant Results: Clinton/ Huron Comparative Analysis (CRWC, Jeremy) (15 min)

Pre-assessments were done in 2010 to address these BUlIs, degraded fish and wildlife populations and Degradation of Benthos. Tech committee chose state data as data to be used. The 2010 pre-assessment fish sampling sites found 85% had acceptable or better ratings. Macro-invertebrate sampling sites in 2010 found 91% had acceptable or better ratings. These led to the question how do we compare to similar non-AOC watersheds? Huron River was chosen for the comparison due to similar watershed characteristics. Preliminary analysis did not find major differences in biological communities between the Clinton River Watershed and Huron River Watershed.

Administrative support for the PAC is provided by the Clinton River Watershed Council.
Mailing Address: 1115 W. Avon Road, Rochester Hills, MI 48309
(248) 601-0606
7. Current PAC grant updates (CRWC) (5 min)

CRWC is conducting a Road Stream Crossing inventory in the North Branch and Red Run sub-watersheds and CRWC has started compiling a map for the AOC website with most recent data. Here is the link: http://www.crwc.org/public-advisory-council-updates/progress-towards-bui-removals/

8. SPAC Update (CRWC) (10 min)

2018 is our current delisting target.

9. NOAA Spillway (Jamie Burton, HRC) (5 min)

Planning and design is closed out and intercounty drainage board has approved plans. They are now looking for funding for the implementation of the habitat restoration.

10. Avon Creek Restoration (Jamie Burton, HRC) (10 min)

Phase I, II, and III are now completed.

11. Paint Creek Restoration (Nick Banda, City of Rochester) (15 min)

Paint Creek restoration was done at Municipal Park in downtown Rochester to create better fish habitat. The City of Rochester received a $750,000 federal grant through Sustain our Great Lakes Program in 2012. The project objectives were stream bank stabilization, fish habitat and river access. A total of 3200 linear feet of stream were restored.


Discussion (15 min)

(PAC voting member Jerry DeMaire left just as this discussion started)

Anne Vaara: opened discussion by going over the handouts and discussing the reasons for the proposed changes. The main reason behind the proposed changes is because the PAC has evolved since 2004 and we would like to have the rules and procedures reflect the way the PAC is operating today (2013) and what needs to be done in order to keep moving forward. Annette Demaria has expressed interest in becoming PAC chair and Randy Young has expressed interest in becoming PAC vice chair. In the past, ECT has been a PAC voting member. Randy Young is new to the PAC and represents Macomb County Community College. Macomb Community College has not been a voting member. A sample ballot was presented for everyone to see.

John Mularoni (On phone): asks if we are voting today?
Anne Vaara: there was no intention of voting today. These materials were presented as a starting point for discussion to revisit the rules of procedure and discuss a new slate of officers.

Mark Richardson: asks again how many voting members are left? 8 people raised their hand however based on most recent voting member list, there were actually 15 voting members present (see attendance list above). Annette Demaria was representing ECT, Amanda Premier was representing MCPEDs, Shannon Filarecki was representing Shelby Township, and Tim Pollizzi was representing Rochester Hills.

Mark Richardson: “This is a discussion for the current voting members of the PAC, if you are not a voting member you can leave or you can stay this is a public meeting so you are welcome to stay. This is about voting this is for the voting members only this particular piece.”

No one left the meeting after Mark’s comments.

Anne Vaara: asks voting members to raise their hands again so we can get an accurate account of who was here

Mark Richardson: “For those of you who don’t know I have retired from the Prosecutors office in October, I have been MIA as PAC Chair for about 3 years now and the watershed council asked me to stay on up until recently. I am back and I am willing to help with the PAC in whatever capacity I can. There are some things we need to get clear about the rules and the way we can proceed as voting members of the PAC. I have been chair since September of 2002 we had an election under the old rules at that time. I was elected chair and Bill Smith (deceased) was vice chair and he was also SPAC rep. Terry Gibb was the treasurer. And going back over my history of the PAC, this is my compilation of the PAC (holds up folder). We may have had an election under the new rules in April of 2006. Does anyone recall that Tim or Peggy?”

Tim Backhurst: “yes” HeRecalls having an election around that time.

Mark Richardson: “so we had one election under the new rules. I think it was the thought that rules and procedures that we adopted in 2002. It needs to be said that these are not bylaws and they shouldn’t be referred to as bylaws they are rules that the voting members adopted by neutral agreement. Some of them have been followed some of them have not. PAC is just a stakeholders committee that’s all it is it is not a corporation it has no separate legal status. The voting members of the PAC have no fiduciary obligation to follow these rules; basically the members can do whatever they want. Some of the rules have been followed some not. In particular what we are talking about today are the rules about elections and there are rules governing elections of members and then there are rules governing elections of officers. The rules governing the elections of members have not been followed since we have only held one election. The rules provide for annual elections and those have not been held. Nor, have elections of officers been held every two years like the rules provide. Without going into a whole lot of history about that, I would say that no voting members of the PAC were really interested in having elections during the early years when we were trying to get the PAC going again. We got involved in projects and nobody wanted to change courses in mid stream. From time to time there were attempts to get discussions going about elections nobody was really interested in doing that. So now that we’re here discussing it I do think that in light of the fact that were in a new era and we have new people involved and were kind of in a new phase of things it’s certainly behooves us to think about, rethink the membership of the PAC and the leadership of the PAC. I would say that if we had that election in April of 2006 it would be true that the officers cannot run for reelection to their positions at this time under the rules. On the other hand we can legally do whatever we want to. I’m not saying that to introduce chaos to this meeting, I am just saying it
because it’s true. We’re just a committee and we can legally do whatever we want to. We can keep following these rules we can change these rules as has been suggested, we can hold and election or not hold an election. I think it advisable that we do address the topic of membership and elections of officers and leadership going forward. I would certainly recommend that the PAC do that and I have not had the chance to go over the proposed rule changes that the watershed council is suggesting. I would point out a couple of things: number one, the watershed council is not a voting member of this organization. So they are kind of advising us on stuff they don’t vote on. Another thing is that we have to, I’m going to shut up after saying this we have a unique AOC it’s large 760 sq miles, not everybody who is involved with the PAC is heavily involved in everything single thing that’s going on in this AOC. Both those factors have made getting interest in the PAC and getting the attendance at PAC meetings by voting members difficult at times. So however we structure or restructure the PAC ought to take into account those factors. One thing is just a thing that came up at the SPAC meeting I don’t know whether we go this way or not but one other large AOC is organized around a sub-watershed basis. They have representatives on a geographical basis instead of you know on a business and public interest group and governmental divisions. Maybe we go that way maybe we don’t. It certainly could make sense for getting some of the work done that we have to do. So I think it’s certainly appropriate to look at this but it’s in the final analysis up to the voting members of the PAC what they want to do. It’s up to somebody to make the motion and we can do legally there’s no restraints on what we do. I think the only restraint I can think of I the mission of the PAC as defined in the Great Lakes Water Quality agreement. That agreement talks about parties to the agreements, sovereign governments, the state and consulting with the public stakeholders. The PAC we wind up with, if we reform it has to be a true stakeholder group, it can’t just be consultants, it can’t just be dominated by one faction or another. It has to be a true stakeholder group however we define the membership. We have difficulties due to the large size of the AOC. Just one other thing to keep in mind is in the existing rules we have a limit of 25 people as voting members and we only have like 7 or 8 voting members here now. If we had 25 we would probably never have a quorum. Getting a quorum is a problem has been a problem throughout the history of this organization so going too big with it could pose those kinds of problems.

Anne Vaara: “I think we have 11 voting members here Mark, including John.”

John Mularoni: “I would like to say something Mark, can I ask you a question.”

Mark Richardson: “Alright I am done talking now.”

John Mularoni: “you addressed the first concern I wrote down just now at 44 what is our quorum?”

Mark Richardson: “Our quorum would be 23”

John Mularoni: right and the second thing is that is one of my major concerns and this is being presented to me I haven’t participated in any discussions on these rule changes. So I am going to be really uncomfortable just doing it today, I’ll put that right up front. I haven’t given it due consideration. The quorum issue is one of my first concerns and when I look at the paper that I have, I see proposals for and maybe I just missed it. I see current representation, proposed representation and that’s 24. Is there a list I am not looking at that shows the 44?”

Amanda Oparka: I sent an excel sheet that says PAC member list at the top. The numbers are in parenthesis are the proposed representation for each group.

Anne and Amanda then help john locate the correct sheet to look it.
John Mularoni: you actually have people as proposed members this way?

Anne Vaara: “that’s one of the issues that needs to be discussed today because the people that are on this list represent the categories that were discussed in 2002 representative categories and they also represent interest over the last couple of years these are people who have been coming to the meetings and have an interest in the PAC work. That’s why they’re on this list."

Mark Richardson: I am going to address this for a minute. Let me just say a little bit about that the rules of organization that we have see to the voting membership of the PAC should be a combination of representatives of county agencies, municipalities, businesses, non-profit public interest organizations, recreational sporting groups and concerned citizens. Now we did not we did not define the membership by so many members from this stake holder group so many members from that stakeholder group deliberately did not do that and the reason for that then was there was very few people coming to the meetings. If we had to wait for every interest group to show up and chime in on what we were doing we would never get anything done. So we wrote these to be flexible, so that the people that are genuinely interested in the organization could show up and get things done. That may be different now you may be wanting to go to a different mode now, but that’s what we had then and that’s the reason for that. To my knowledge we don’t have any number of sportsmen group, number of this group.”

Anne Vaara: “yes we do look at this from 2002”

Mark Richardson: “that is not part of the rules ”

Anne Vaara: “I understand that this was before the rules”

Amanda Oparka: “this is what has been followed since the last elections”

Mark Richardson: “we dropped that when we made the rules in 2004”

Anne Vaara: “but there’s no way for us to know that”

Mark Richardson: “ I’m telling you that”

Anne Vaara: “there is no indication that wasn’t part of this.”

Mark Richardson: “well I’m telling you that. The rules say”

Anne Vaara: “we have to go by what is available to us and this is the history that we have found. “

John Mularoni: “yea, that’s ok we put this on the table for discussion and we are discussing it.”

Mark Richardson:” I’m not saying don’t go back to that I’m saying we don’t have that now.”

John Mularoni: “I want to put something forward, I want and very much respect your opinion. Back all that time ago we didn’t have really any but occasional participation from a consulting firm and very early on the Clinton river watershed council we had the same kind of thing and then it kind of dropped off. I’m kind of
uncomfortable putting people who’s corporations may financially benefit as voting members. I’d like your
opinion on that.”

Mark Richardson: “Well I don’t think my opinion has changed from 2002, 2004. I think true stakeholder is
somebody on the list I just read. I don’t think that a true stakeholder is a consultant who’s I don’t want to put it
undiplomatically, I just say their sole interest maybe not in reality but their sole interest in this PAC is pecuniary.
I don’t think that a statewide consulting firm is a stakeholder here. Now we did go to a model where we had
technical committees that were supposed to do all the heavy lifting in the PAC and consultants were on those,
but they were not voting members of the PAC as a whole. Those were supposed to be true stakeholders, people
who live here, work here, in some cases people that are environmental professionals have been voting members
of this through their jobs with government and that’s fine but I think a Stakeholder is somebody that’s here
permanently, I think that’s the spirit and intent of the great lakes water quality agreement as a requirement for
PACs”

John Mularoni: I have another question on those same lines; maybe we sort that one out first. I sort of agree
with you I get a great discomfort, not that their not environmentally and not that their not knowledgeable.”

Mark Richardson: “I am trying not to say that. I don’t believe that”

John Mularoni: “I’m not saying you are, I am making it very clear that I am not saying that. I am also not saying
that they are not environmentally concerned. I am just concerned about the financial aspects of it.”

Shawn Keenan: “do you have the proposed changes at all? For the rules of organization and procedure? Does
the conflict of interest at all ease any concern?”

John Mularoni: “No, I’ll tell you why and this is going to lead into my next question for a period of time when I
was the director of the watershed council and we were involved in projects with the CRWC. I apologize this
probably pre-dates almost everyone we had a very large number of governmental entities represented on the
body, incredibly parochial. A couple of them were very good the rest of them were incredibly parochial and they
would form coalitions to benefit themselves on votes over others and it got to be very contemptuous and very
difficult at times. So that’s where my discomfort arises and I don’t want to talk about my history with other
organizations but I have seen it before. Like I step back on this one but you wink wink take care of this one for
me.”

Anne Vaara: “Hey, John we have a voting list from 2004 where ECT is represented as a voting member.”

John Mularoni: Ok, you’re talk one vs. and ECT has been around an awful long time with us.”

Anne Vaara: “ That’s true but how do we pick?”

Mark Richardson: I cannot vouch for the accuracy of any of these lists either. The rules say that the voting
members of the PAC are supposed to vote in new members unless we have minutes that show people have
been voted in as members I don’t think we can just assume that they are legitimate voting members. Although
this has been run very informally over the years and people have voted and we haven’t objected and you know
that’s been the practice.
Shawn Keenan: “I guess my other concern is with, you just brought up local governments with your work with CRWC, I mean you mentioned your concerns with the consultants on here but with what you just said about CRWC do you have the same concern with local governments?”

John Mularoni: “yes”

Shawn Keenan: “because local government could also benefit from some of the grant money for projects in their communities.”

John Mularoni: “yes, I have the same concern”

Shawn Keenan: “so you basically think this should just be all residents?”

Anne Vaara: “that leaves Peggy Johnson and Tim Backhurst as voting members.”

Mark Richardson: “Well the Great Lakes Water Quality agreement sort of lists who the stakeholders are and it includes local governments”

Ron Fadoi: “can I speak, the issues in this watershed are so broad and diverse we need a lot of opinions and information and I’ve been voting here for how many years and on issues that directly pertain to our office I have abstained from voting on that but to say we can’t come to the table, maybe on one or two issues. But it is too broad to say you can’t participate because you might get some economic benefit from being a member.”

Mark Richardson: “My opinion would be you are a stakeholder, you are a stakeholder but I don’t agree that consultants are. Then they should serve on technical committees.”

Anne Vaara: “Alright, here’s the deal. The watershed council has been fiduciary for a long time and for most of that time we were fiduciary of nothing. There was no funding coming in and we committed our time and our own funding resources, Shawn was on the board when we approved our budgets and many of those hours went for Dan Keifer and me and then both of us to keep these meetings going, and there are some members that are hanging in here with us.

John Mularoni: “that was true before you came, what you just said was true before.”

Anne Vaara: “so now we have some money which is great and we can function at a higher level. The consultants are at the table because there is money available for projects to help us towards delisting so let’s not fool ourselves and that’s great for them. That’s great for our economy, for our PAC, it’s great for moving things forward. I’d like to say today I am really tired of talking about the past, I appreciate Mark’s comments about the history because it helps us put things in perspective and allows us to move forward. We need to move forward we are going to be delisting this PAC and AOC. It’s going to happen we are getting a tremendous amount of pressure from EPA to keep things moving. It is up to the people in this room to keep things moving. I am not a voting member and CRWC is not a voting member but my opinion is the consultants have been at the table for a long time, their keeping their communities moving forward.”
John Mularoni: “I have a quick question to and then I have a proposal to make. Anne, what inspired you? What are you trying to accomplish with the changes?”

Anne Vaara: “a couple of things, changes were based on how we are functioning now, based on who is coming to the meetings and the interest that we’ve had. It is also based on the stakeholder representation list from 2002 which I thought was a nice document to have because it does bring people in from all the areas of concern. We made the changes that more closely align with Roberts Rules of Order; we felt we should define voting, conflict of interest because if the PAC voting members decide they want to bring in the consultants it should be defined so people are comfortable. We did not touch the quorum because we are not sure how the PAC wanted to move forward with that. It’s really based on how we are operating today.”

John Mularoni: “and your objective was to?”

Anne Vaara: “the objective was to try to function at a higher level as a PAC and to closely function as other PACS are functioning as they move towards delisting.”

John Mularoni: “I have one more question to pose before I make my motion, Mark are you going to continue to be involved in the PAC?”

Mark Richardson: “well, I don’t believe I can run for chair again so I am not going to do that but I am going to participate as long as I am chair.”

John Mularoni: “I think this subject merits more discussion face to face.”

John Mularoni: makes motion to table this and hold a special meeting with voting member to discuss this issue and get it straightened out.

Shawn Keenan: 2nd the motion. And the motion passes. It is determined that middle of January would be the best time. Anne will be sending out a doodle poll to see what day works the best for the majority of PAC stakeholders.

13. Other Business:

Mark Richardson: Mentions that there is a wetland hearing to discuss the new rules to be held on December 5th Mark asked if the PAC would like him to send an opinion letter out on behalf of the PAC. There was discussion against Mark sending out this opinion letter. Jen Tewksbury’s suggested that the PAC not send an opinion letter out and the PAC decided not to support Mark’s request to send the opinion letter.

Discussion: Setting 2014 meeting dates: 3/12, 6/18, 12/10 and to keep location at the MISD.

14. Next Meeting: Wednesday March 12th 1:30pm-3:30pm

CALL-IN ACCESS NUMBER:  #1-800-377-8846  PARTICIPANT PASS CODE: 15364544#