



Pittsfield Charter Township

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Office of the Supervisor

TO: Pittsfield Township Board of Trustees
Pittsfield Township Park Commission
FROM: Mandy Grewal, Supervisor
RE: Public Comment at the July 10, 2019 Board of Trustees Meeting
DATE: August 14, 2019

As I went to take my seat, six minutes prior to the commencement of the July 10th Pittsfield Township Board meeting, I picked up a piece of paper placed at my seat. It was a hard copy of a resolution passed by the Park Commission the previous day (July 9th) along with a hard copy of email communications between Park Commission Chair Tupacz, Vice Chair Reilly, and Mr. Biscorner, which included a long list of questions pertaining to Pittsfield Township parks. I, of course, did not have time to approach Commissioner Tupacz, present in the audience, and get much-needed clarification given that it was my first time reading each of these pieces of communication.

During Public Comment I of the Board meeting, Commissioner Tupacz read from the aforementioned resolution. Even though it was my first exposure to the contents of the same, I did my best to share background information and context regarding the proposed purchase of Waters/Oak Valley park. In speaking with Mr. Biscorner, it is now my understanding that the presentation made to the Park Commission on Waters/Oak Valley did not discuss – as we did during the February public forum – the DNR’s environmental assessment process. However, truthfully, I am still unclear on how, when and what information has been provided to the Park Commission regarding the same.

In reviewing the multitude of factors that have led to this situation of ambiguity because of lack of clarity and adequate communication, I realize that unlike all the other Boards/Commissions/Committees that fall within the purview of the Supervisor’s Office (Arts & Culture Excellence in Pittsfield Committee, Assessing Board of Review, Compensation Commission, Historic District Commission, Planning Commission, Stormwater Management Committee, Sustainability Committee, Zoning Board of Appeals), the Park Commission is the only one comprised of elected officials. As such, in my opinion, there should be a more direct line of communication between the two bodies – Board of Trustees and Park Commissioners - of elected officials. To that end, I have implemented a change wherein the Parks & Recreation Director will, henceforth, provide a monthly update to the Board of Trustees of the Park Commissions’ meetings and vice-versa. This is another step toward continual improvement and, specifically, an attempt to institute procedures that may prevent a situation similar to this one occurring again in the future.

With regard to the current issue and in order to move all involved parties toward a common ground, I am writing this memo to provide you with all the information I have on the matter of the Waters/Oak Valley park purchase. Given that the oversight and maintenance of parks falls within the jurisdiction of the Park Commission, this is the only piece I am qualified to address and only because I and my office have, as explained below, taken the lead on master planning and grant application.

In March 2014, Morris Hall was filled to capacity as residents living proximate to the proposed Waters/Oak Valley park area came to vociferously express their concerns regarding large-scale development in their

neighborhood with no relief by way of green space (https://www.mlive.com/news/ann-arbor/2014/03/developers_back_out_of_plan_fo.html). This prompted me to initiate an update to both the Pittsfield Township Master Plan & the Pittsfield Township Parks & Recreation Master Plan. The public input from the forums, undertaken as part of the Master Plan updates, were clear and absolute in the need for a public park in northwest portion of the community (<http://www.pittsfield-mi.gov/masterplan>).

Given, as noted by the residents, the density of grey infrastructure in northwest Pittsfield, the availability of parcels was/is scarce, to say the least, for purchase of park land, especially with a property owner willing to provide the Township with the time needed to apply for grant funding. However, I was able to secure the same and, in May 2016, the Pittsfield Township Board of Trustees entered into a lease agreement for the 3.98 acre parcel at the southwest corner of Waters and Oak Valley Road. The lease was entered into to allow the Township time to apply for grant funding for the purchase of the property for a public park, at a cost not to exceed \$1 million with an appraised value of \$1.2 million.

As in the past, my office took the lead in applying for grant funds and, hence, became involved in this park issue which is why I am now taking the time to provide you with this memorandum. In June 2018, we received notification that Pittsfield had been successful in its 2017 MDNR grant application and was being awarded about \$600,000 for the purchase of the 3.98 parcel at the southwest corner of Waters and Oak Valley, which required a 40% local match. At its July 11, 2018 meeting, the Pittsfield Township Board of Trustees approved a project agreement with the Michigan Department of Natural Resources that encumbers us to furnish the match monies (\$410,000.00) and ensure the property's use as a public park/green space.

The approval of this agreement initiated the DNR's required environmental due diligence (EDD) process which culminated in the output of the Phase I Environmental Site Assessment (ESA) and the Phase II ESA, followed by a Response Activity Plan (pittsfield-mi.gov/projects). Since this process, begun in July 2018, exceeded the anticipated timeline, my office organized a public forum earlier this year to ensure that community members, especially those living in close proximity to the proposed park and eagerly awaiting its development, were kept informed of the status. The date for this public forum, published in the Pittsfield Post, was set in partnership with the Park Commission Chair and Vice Chair (which I confirmed via an email archival search). The public forum: (a) informed community members that it was the DNR's soil testing requirements and process that was causing the delay; and (b) requested their input on park design.

Following the public forum, I asked Mr. Biscorner to work with Stantec to use this public input and DNR's requirement being outlined (specifically to minimize soil disturbance) to the Township and encapsulated in the Response Activity Plan to outline a design and associated costs for the proposed park project. Stantec provided Mr. Biscorner and I with a status update on this a few months ago, at which time I directed Mr. Biscorner to provide the same to the Park Commission. It was my assumption that he would fully convey all the requisite information at this presentation, which he worked with the Park Commission Chair/Vice Chair on (also verifiable via email).

On July 9, 2019 Ms. West, who has been the staff liaison for the grant application and approval process, sent me an email notification that DNR had provided final approval for the grant. As noted earlier, it was the next day at the Board meeting that I was made aware of the extensive questions and concerns being raised by the Park Commission regarding this project.

As such and subsequent to the July 10, 2019 Board meeting, I requested Ms. West to reach out to the environmental consultant for this project, ECT, and ask them to compile a policy summary of both the environmental assessment process and outcomes (attached). This memo indicates that Pittsfield Township

has fully and completely complied with the environmental, specifically soil quality, requirements outlined by DNR and reviewed by DEQ.

One last point of information: the property owner of the proposed park and his lawyer have been in contact with Attorney James Fink in the past month to schedule a meeting to discuss the prolonged delay in the property purchase. Mr. Fink and I met with the two gentlemen on July 16th to discuss the same. I updated them on the July 10th Board meeting discussion and the Park Commission resolution and noted that I would be providing you with an update, as evidenced by this memo. They, in turn, conveyed their desire to renegotiate given that the appraised value of the parcel is higher than \$1 million and the purchase by the Township has been delayed extensively.

In closing, note that:

1. Delaying the purchase will, in most likelihood, result in the property owner retracting, as is his right, the offer to sell possibly the only available piece of land the Township has an option to realistically purchase for the one and only public green space in northwest Pittsfield, which would serve 25% (1 out of every four) Pittsfield Township resident that have no access to open/recreational space (see attachment).
2. Given the DNR/DEQ clearance and the availability of funds for the local match, I cannot recommend that the Board rescind on the agreement entered into by Pittsfield Township with Michigan Department of Natural Resources for the purchase of a much-needed park/green space in northwest Pittsfield Township (Resolution # 18-22).
3. What I do recommend is that even if the Park Commission chooses not to develop the parcel for recreational use, that it be purchased for, at the very least, open/green space preservation in order that the Township Board of Trustees' may follow through on their agreement with DNR and their multiple and repeated "commitment[s] to create a coherent and comprehensive development and preservation pattern that will result in practical, productive, and sustainable growth and conservation in Pittsfield Charter Township." (2020 Sustainable Vision Master Plan, p. 27)
4. To that end, if the property owner is still willing to partner with Pittsfield Township, we will bring forward to the Board of Trustees, for their consideration/deliberation/review an agreement for the purchase of the 3.98 parcel at the southwest corner of Waters and Oak Valley.



August 12, 2019

Pittsfield Charter Township
6201 W. Michigan Avenue
Ann Arbor, Michigan 48108

RE: Environmental Conditions Summary
West Water Road an Oak Valley Drive Property, Pittsfield Township

Dear Sir/Madam:

Environmental Consulting & Technology, Inc. (ECT) was retained by Pittsfield Charter Township (Client) to complete a Phase I Environmental Site Assessment (ESA) of the Subject Property, situated at the southwest corner of the intersection of West Waters Road and Oak Valley Drive, in Pittsfield Township Michigan. The Phase I ESA process is a standard and customary practice involved with the environmental due diligence process for real property acquisition. In addition, the performance of a Phase I ESA was requested by the MDNR Grant Fund administration.

ECT completed the Phase I ESA report dated August 10, 2018, in which the presence of one recognized environmental condition was identified, consisting of the presence of historical fill material of unknown origin on the property as stated:

In an effort to verify the presence or absence of any environmental impact as a result of the presence of the fill material, ECT completed a Phase II ESA. As indicated in the Phase II ESA report dated October 15, 2018, ECT advanced four soil borings into the fill material area using hand auger methods and collected four soil samples. One (1) soil sample was collected from each boring, and the samples were analyzed for PCBs and Michigan 10 Metals. Based on the absence of elevated field screening results for volatile organics, the soil samples were not analyzed for volatile organic compounds and polynuclear aromatic hydrocarbons. The soil samples were submitted to a third party analytical laboratory. The laboratory report did not reveal the presence of any PCBs. The report did reveal the following:

- Arsenic was detected in all soil samples at concentrations ranging between 6,300 to 9,700 micrograms per kilograms (ug/kg). Although these concentrations exceed the Generic Residential Cleanup Criteria (GRCC), as established by the MDEQ, for drinking water protection (DWP) (4,600 ug/kg), groundwater surface water interface (GSI) (4,600 ug/kg) criteria, and direct contact (DC) (7,600 ug/kg) criteria at locations HA-1 and HA-2, they **do not exceed** the Michigan Background Soil Survey (MBSS) background criteria (11,000 ug/kg).
- Chromium (total) was detected in all soil samples at concentrations ranging between 17,800 to 21,900 ug/kg. Although the concentrations of chromium (total) in the soil samples collected from boring HA-2, HA-3, and HA-4 exceed the GSI (3,300 ug/kg) criteria, they **do not exceed** the MBSS background criteria (37,000 ug/kg).
- **Selenium** was detected in all soil samples at concentrations ranging between 6,000 to 7,700 ug/kg. The concentrations of selenium in all soil samples exceed the DWP (4,000 ug/kg) and

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GSI (400 ug/kg) criteria of the GRCC, as well as the MBSS background criteria (3,900 – 4,700 ug/kg).

- Other metals were detected in the soil samples; however, the concentrations were below their respective GRCC.

The Phase II report provided the following opinion and conclusion:

- Concentrations of arsenic and chromium from the soil samples collected in September 2018 exceed the MDEQ Part 201 GRCC, but do not exceed the MBSS background concentrations established for the Huron-Erie Glacial Lobe Area.
- Concentrations of selenium from the soil samples collected in September 2018 exceed the MDEQ Part 201 GRCC for drinking water protection and groundwater surface interface, as well as the MBSS background concentrations established for the Huron-Erie Glacial Lobe Area. While the concentrations of selenium were detected above the MBSS background concentrations, it is possible that the presence of selenium may **be representative of a localized higher background concentration and not indicative of the presence of contamination.**
- **The Township does not intend to use groundwater** on the site as a drinking water source and does not intend to create a surface water feature that will allow groundwater to vent, **thus these potential exposure pathways are not relevant.**
- Although the presence of elevated concentrations of selenium and the presence of low concentrations or arsenic may not be indicative of the presence of contamination, its presence does allow for “*facility*” designation of the Subject Property under Part 201 of the NREPA, allowing for the preparation and submittal to the MDEQ of a Baseline Environmental Assessment (BEA), affording the Client the appropriate Part 201 environmental liability protections.

Based on discussions with the client and the MDNR Grant Fund facilitators, the completion and submittal of a BEA was recommended. ECT completed the BEA report dated October 26, 2018. While the BEA process requires submittal of the BEA documentation to the MDEQ for the record, the MDEQ does not have a review process or responsibility. With the use of MDNR grant funds, the fund facilitator requested a review of the environmental condition by the MDEQ prior to successful funding and a Response Activity Plan (ResAP) was completed. This prompted a discussion with the MDEQ project manager (Mary Miller) for the area, who subsequently indicated that although the arsenic and chromium concentrations detected are below the naturally occurring background concentrations (MBSS), she recommended that the ResAP be completed to document appropriate response activities relating to the soils of concern.

ECT submitted a ResAP for review by the MDEQ on December 5, 2018, with revisions submitted on February 13, 2019. The ResAP describes site conditions and due care approaches and responsibilities for the subject property, including soil management procedures. The MDEQ approved the ResAP on February 20, 2019. The due care approaches include eliminating any use of the groundwater for potable or irrigation purposes, managing dust during construction activities, and creating vegetative and soil

Pittsfield Charter Township
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covers. The ResAP actions should be reviewed periodically in order to confirm that property conditions meet the intended uses.

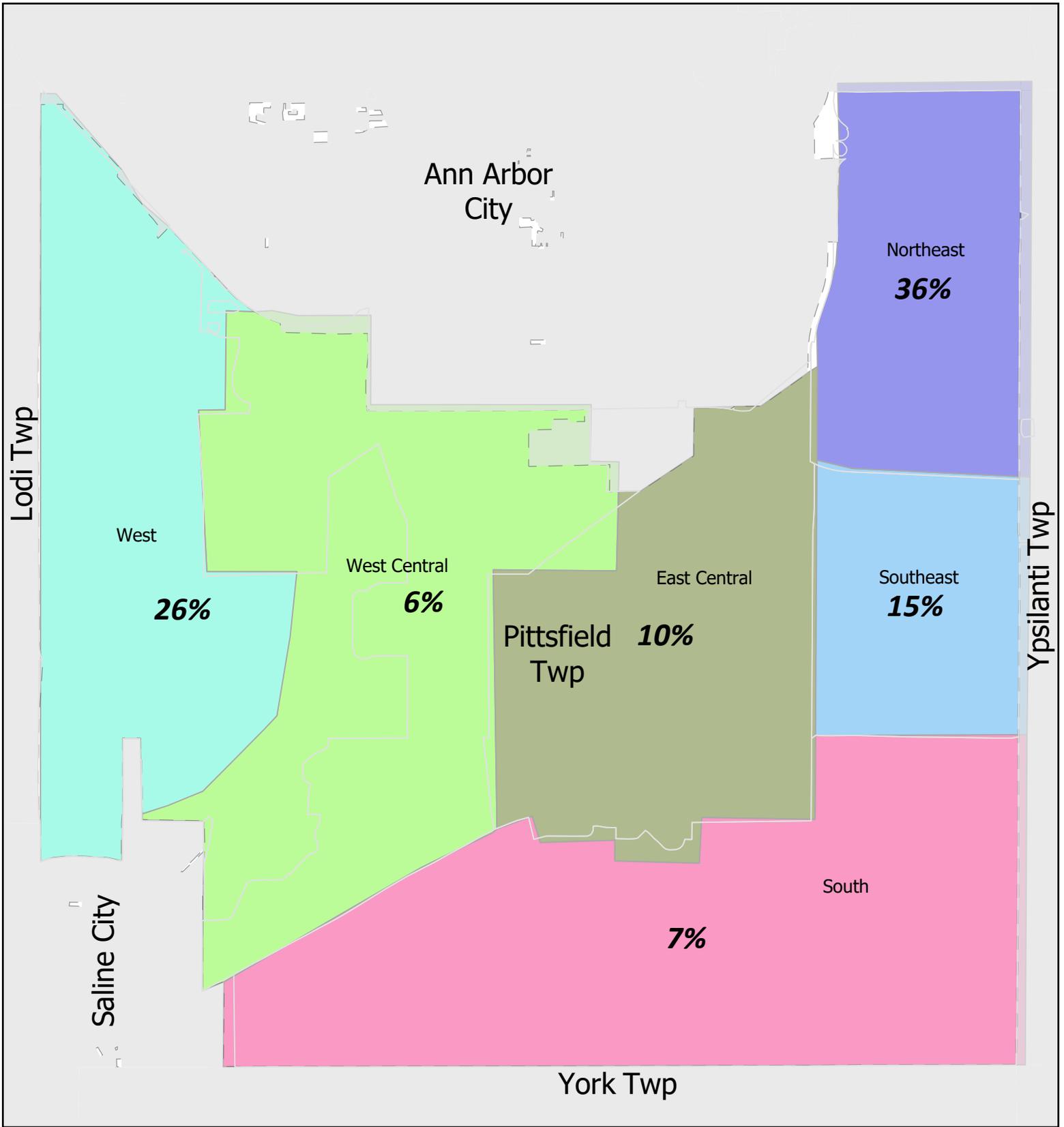
At the present time the MDEQ (now EGLE) has not established recreational use generic cleanup criteria. All comparisons to the GRCC concentrations are based on the residential use mathematical risk based formula, which is based on constant 24 hour exposure durations. The modification of the risk based formula for recreational purposes, even if the duration of site use or exposure is 2 hours per day (park maintenance), would significantly alter the allowable exposure criteria by orders of magnitude.

Sincerely,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.

A handwritten signature in blue ink, appearing to read "D. Mammen", with a long horizontal flourish extending to the right.

Dirk S. Mammen
Principal Scientist



Map
Pittsfield Charter
Township

