

CASCADE CHARTER TOWNSHIP
CITIZENS PFAS COMMITTEE MEETING

February 2, 2023 at 4:00pm
Kent District Library– Wisner Center
2870 Jacksmith Ave SE
Grand Rapids, MI 49546

Members Present: Ben Greemann, John Lipford, Patti Baldwin, Kris White

Members Absent: Chris Noordyke, Grace Lesperance

Others Present: Township Manager (TM) Ben Swayze, Engineer Aric Thorne, Management Office Administrative Assistant Jessica Stine, Walter Bujak of the Kent County Board of Commissioners, Marci Thieme

ARTICLE 1. Call to Order: Meeting was called to order at 4:07 pm.

ARTICLE 2. Approval of the Agenda

Motion by Member Baldwin, supported by Member White to approve the agenda.
Motion carried.

ARTICLE 3. Acknowledge Visitors & Public Comment

There were not any visitors who wished to comment.

ARTICLE 4. Approval of Minutes from the 1/19/2023 meeting

The spelling of Marci Thieme’s name was corrected throughout the minutes. Member Lipford stated that, in Article 7, counsel is spelled incorrectly and, in the fifth sentence of the same article, ‘thing’ should be ‘think’. Bujak noted that in article 7 it should say, ‘before he was sworn in’ rather than ‘before he was elected’. Motion by member Baldwin, supported by Member Lipford to approve the 1/19/2023 meeting minutes with the aforementioned changes. Motion carried.

ARTICLE 6. Legal Update – Statute of Limitations and Private Lawsuits

Articles 6 and 7 were moved to take place before article 5, as the construction update would be much shorter and had been covered at length during the previous meeting.

TM Swayze and Supervisor Lesperance met with Doug Van Essen, the township’s lawyer, who said that, in the strictest sense, the township will need to act on litigation by May in order to file before the statute of limitations runs out. Van Essen will attend the February 22, 2023 Township Board meeting to discuss this with the board. He will also be writing a letter to send to affected residents explaining the statute of limitations and when they would need to act if they wanted to file litigation against the Gerald R Ford Airport. Van Essen has indicated that individual lawsuits had been filed against Wolverine.

Member Baldwin was concerned that they wouldn't know the effects of the stigma from PFAS contamination until they tried to sell their houses. Member Lipford said that housing prices are up due to a lack of inventory but if a glut of houses become available and prices are pushed down, that is when they would be much more likely to see the damage to the housing prices in PFAS areas. He believed that the statute of limitations may start there because the damage wasn't initially obvious.

TM Swayze said the Van Essen told him that many cases with Wolverine Worldwide were being settled but they have yet to hear of any making it all the way to court. Detrimental health effects due to PFAS contamination are very difficult to prove.

Member Lipford said that the statute of limitations on diminution is three years and that would end in May 2023. Plainfield used a New Jersey law firm and Cascade may want to look into who they had used.

TM Swayze said that Van Essen wasn't aware of any PFAS cases currently underway at the airport. They will consider sending out a mailing and eblast with information about litigation and the length of the statute of limitations. The airport will likely push litigation on to the FAA.

Member Lipford asked if it was legal for ARPA funding to be tied to the releasing of claims against the airport and TM Swayze believes there are rules against ARPA funds being used to settle debts. Van Essen is meeting with Kent County to check into this.

ARTICLE 7. Disclosure Requirements

Member Baldwin said that she met with Resident Thieme and new neighbors who didn't know anything about the water extension project or PFAS prior to buying the house. Their house is a green dot on the township's residential PFAS sampling map (meaning that their results were a non-detect for PFOA and PFOS) but the house next door to them was a red dot (exceedance of PFOA > 8ppt or PFOS > 16ppt).

The State of Michigan Seller Disclosure Act, Act 92 of 1993, 565.959 Additional disclosures, section 9, allows cities, townships, and counties to require their own disclosures related to the sale of houses and Thieme believes Cascade Township should require its residents to disclose if their property was in a PFAS project area. Member Lipford suggested this should already be covered in the 'environmental problems' section of disclosures, but that opens the door for many other types of disclosures to be required. TM Swayze shared that Van Essen told him he thought there was a disclosure requirement built into the ground water use ordinance passed in Plainfield Township when they were determining remediation from Wolverine. TM Swayze asked if realtors would be against this type of disclosure and Thieme did not believe they would be.

TM Swayze spoke about well capping and said that the township doesn't have any problem financially with wells being capped as the money is available for PFAS remediation. The agreement between EGLE and Wolverine on institutional control was able to be brokered because the area needed the money for PFAS remediation. Because the township doesn't need the airport to pay for anything, the airport doesn't have any leverage to ask the township to pass a ground water ordinance and there isn't a way to require residents to cap their wells and move onto city water without an ordinance.

Member Lipford left the meeting at 4:54pm.

ARTICLE 5. Update on Public Water Extension Project

TM Swayze is still working on an updated schedule for the PFAS project. An eblast will go out to all Phase 1 residents the next Monday and a mailing will be sent to all Phase 1 residents shortly afterwards. Engineer Thorne is working with Spalding DeDecker on remediation.

ARTICLE 8. Roundtable/Q&A

There weren't any additional questions at that time.

ARTICLE 9. Public Comment

Bujak said that he attended to represent his constituents, listen to their discussion, and learn about the PFAS contamination.

ARTICLE 10. Adjournment

Motion was made by Member White to adjourn. Supported by Member Greenman. Meeting adjourned at 5:01pm.

Approved by the Citizens PFAS Committee – TBD