



## WASHTENAW COUNTY BOARD OF COMMISSIONERS

### WORKING SESSION

**November 3, 2005**

The meeting was called to order by Chair Solowczuk at 6:30 p.m. in the Board Room, Administration Building, 220 North Main Street, Ann Arbor, Michigan.

**MEMBERS PRESENT:** Comms. Bergman, Brackenbury, Gunn, Irwin, Kern, Ouimet, Prater, Smith, Solowczuk.

**MEMBERS ABSENT:** Comms. Peterson, Sizemore

**OTHERS PRESENT:** Bob Guenzel, County Administrator; David Behen, Dale Vanderford, James McFarlane, Michael Brogan, ITS; Leon Moore, Environmental Health; Dan Myers, Planning and Environment; Bob Hubbard, Human Resources; Kerry Sheldon, Administration; Stephen Kirschner, Clerk's Office; various citizens; and members of the press.

#### **Roll Call**

#### **Citizen Participation**

None.

#### **Commissioner Follow-Up to Citizen Participation**

None.

#### **Discussion Items**

#### **Arsenic Update**

Leon Moore presented on the new procedures to implement new arsenic standard in on-site drinking water wells. (Report on File at Clerk's office)

Leon Moore and Dan Myers answered commissioner questions.

Comm. Kern asked for details about the treatment system. Leon Moore explained there are faucet based devices and reverse osmosis devices that work effectively. He stated that iron based systems can be installed under the sink. Comm. Kern asked for the average expense for installing a household system. Mr. Moore stated that whole house systems can go from \$2,000- \$4,000, with maintenance every few years at a few hundred dollars. Comm. Kern asked if home owners can do the maintenance without professional assistance. Mr. Moore explained that it varied among the systems, most of them requiring professional maintenance. Comm. Kern stated her concern about non-household systems presenting a risk to children. Mr. Moore stated that the occasional exposure does not present a risk.

Comm. Bergman asked if this is a labor intensive project. Leon Moore replied affirmatively. Comm. Bergman asked about the budgetary impact. Mr. Moore stated there should not be much of a budgetary impact as they have been implementing this since the early 1990's. Comm. Bergman noted that these are important services that take place outside of the major cities.

Comm. Prater asked what effect this would have on time of sale programs. Leon Moore stated that it would have an impact. He explained that the system proposed avoids major public and legal difficulties. Comm. Prater asked if there is still arsenic being discovered in new wells. Mr. Moore stated that yes there is and they expect to continue to find it. Comm. Prater asked what the chances of drilling a contaminated well on the second try. Mr. Moore stated that it depends on the region. Comm. Prater asked what the reliability is on the tests. Mr. Moore replied that they have great confidence in their test, though they require multiple tests.

Comm. Ouimet stated it was a good presentation. Comm. Ouimet asked if there had been any delays in sales of homes that had arsenic issues. Mr. Moore stated that education of real estate boards on how to do business under this program will be needed and they have begun this education.

Comm. Smith asked how existing home owners were dealt with in this program. Leon Moore stated that from a regulatory sense, for home sales or well permits the laws are strictly enforced. He continued saying when the homeowner voluntarily tests their well for informational purposes there is regulatory flexibility. Comm. Smith asked if the county collects sample for free. Mr. Moore stated the test can be self given and the cost of the test is 15 dollars. Comm. Smith asked what is done for wells that test over 50ppb. Mr. Moore answered that a new well would need to be drilled, due to treatment difficulties. Comm. Smith asked what obligation the county has to enforce on people that voluntary test. Mr. Moore stated that his office would inform the citizens of the legal requirements. Comm. Smith asked if there are any funds available for assistance. Dan Myers answered there might funds available. Comm. Smith stated interest in creating a program to assist residents in finding alternative funding sources and protections for residents that seek help.

Comm. Solowczuk asked if the county is reaching out to educate the community. Mr. Moore stated that they have not pursued this. Comm. Solowczuk stated that education would be helpful to the citizens of Washtenaw County. Mr. Moore stated that there is a need to inform citizens to prevent misinformation.

Comm. Kern asked if they were working with Public Health to keep an eye out for symptoms of the negative effects of arsenic. Comm. Kern stated that an easy way to inform citizens is to have information at township halls when citizens go in to pay taxes. Mr. Moore state the he would get information out to township halls as well as contact medical profession about possible symptoms.

#### **Wireless Washtenaw Update**

David Behen and James McFarlane presented on Wireless Washtenaw. (Report on file with Clerk's office)

David Behen and James McFarlane responded to Commissioner questions.

Comm. Bergman asked if WiFi is compatible with WiMax. David Behen stated that the two are not compatible, but cities will be using WiFi for the foreseeable future. Comm. Bergman asked if the wireless network would work like Dial-up or Comcast. Mr. Behen responded that while the speed is still undetermined, it would work like any wireless network. Comm. Bergman asked how the tracking of hours would occur. Mr. Behen responded that the company will track the user. Comm. Bergman asked if federal legislation would negatively affect counties. Mr. Behen stated that he would look into that. Comm. Bergman asked how much of the county would be covered. Mr. Behen responded the whole county would be covered.

Comm. Gunn asked for WMA to be added to supporters list. Comm. Gunn stated that there are areas that only receive dial-up, and would like one of the pilots to be set up in these areas.

Comm. Irwin asked about the provisions for public hearing in the bill that passed. David Behen stated that the date for public hearing had lapsed before the bill passed. He added that he would speak with Kirk Profit concerning this issue. Comm. Irwin asked if private companies had to have a public hearing. David Behen responded that private sector does have to have a public hearing for right of way use. Comm. Irwin asked if right of way is needed. David Behen responded right of way participation is needed. Comm. Irwin stated that he believes the bill puts additional hurdles in front of the public sector. Comm. Irwin asked about legal implications of illegal use of the network, like file sharing. David Behen stated that they had sought legal opinions, and the county would not be liable. Mr. Behen added that an education campaign would be started to inform the public of the potential dangers of the internet.

Comm. Irwin asked about the exemption for communities that currently serve 10% of their population. David Behen responded that the county looked at meeting this exemption, but it was unfeasible. Comm. Irwin stated the presentation was good.

Comm. Brackenbury asked for an explanation of the pilot segment. David Behen responded that the pilot would involve multiple vendors, partnering with other companies, similar to a contractor - subcontractor relationship. Comm. Brackenbury asked about entities that might use large amounts of bandwidth. David Behen responded that they would address this in the RFP, but in the end the vendor would have to provide quality service to maintain business. Comm. Brackenbury asked what the county's opinion was on stopping the signal at the boarders. Mr. Behen stated that they encourage other counties to pursue a similar program, but realistically, there is no way to stop it.

Comm. Kern asked when the local governments would find out if they would be used for pilots. James McFarlane responded that when the RFP's return they could determine how many pilots will run. Comm. Kern asked for clarification of the grandfathering in of jurisdictions. David Behen explained that a municipality could continue to own and operate their own network if they provided to 10% of the end users.

Comm. Smith asked if the RFP was for the pilot or for the whole program. David Behen stated it was for the program. Comm. Smith asked if the free parameters would be set in the RFP. Mr. Behen stated the minimum level of free service was 20 hrs, although they expect some proposals to allow for more. Comm. Smith stated that he would like the Board to have input on the RFP. He asked what the Wireless Washtenaw is going to give for the board to approve. David Behen stated that he would be happy to present the RFP to the Board for approval. Comm. Smith asked if the board would like to discuss this. Bob Guenzel stated that if interest is there, they could bring the RFP to the board.

Comm. Solowczuk stated that a small group would best work in this situation. He continued by saying that all interested commissioners should meet with the Chair to discuss the issue.

Comm. Smith asked if the usage limits would be computer or by user. David Behen stated the limit would be per user. Comm. Smith asked what trade off is needed to create a 24/7 free wireless system. Mr. Behen said that it depends on the RFP. Comm. Smith asked if the contract would come before the board. Bob Guenzel replied because the legislation changes the governance of the program, a pause in the progress may be in order. Mr. Guenzel stated that he would like the RFP to go before the board on Nov. 16. Comm. Smith recommended consulting the District Libraries on internet content issues. David Behen stated they have begun consulting with the libraries. Comm. Smith stated the PowerPoint was excellent.

Comm. Prater asked about the status of the federal legislation. David Behen stated that the federal effort is currently a staff report, though they expect it to become a bill in the near future. Comm. Prater stated he is comfortable with congressman Dingell working on this. Comm. Prater asked about the right of way and laying down fiber. Mr. Behen stated that laying new fiber may be necessary and that some companies may lease from SBC. Comm. Prater asked when full deployment would occur. Mr. Behen stated that the deployment would be planned to bring services online in an equitable fashion. James McFarlane stated the RFP is to include deployment plans.

Comm. Bergman asked if there would still be competitive service in the county after implementation. David Behen responded affirmatively. Comm. Berman thanked Comm. Smith for bringing up the important issue of Commissioner input.

Comm. Irwin stated that if the goal for this is to cement tech position of the county, then county visitors should be able to get access. David Behen said that this issue is being looked at.

Comm. Brackenbury stated that there will be costs to the county associated with this and there should be a sunset on the contract with the provider. Comm. Brackenbury stated some of these issues require pause.

Comm. Prater asked if there would be franchise fees. David Behen stated they have discussed these fees. Comm. Prater expressed concern about the displacement of current cable companies.

**Commissioner Items**

None.

**County Administrator Report**

Bob Guenzel stated that if there are any questions or comments on these communities of interest, the commissioners should contact him.

**Items for Current/Future Discussion**

None.

**Pending**

**Status of Annual Activities/Goals**

No report.

**Citizen Participation**

None.

**Commissioners Follow-up to Citizen Participation**

None.

**Adjournment**

Comm. Gunn seconded by Comm. Solowczuk moved that the meeting be adjourned until November 17, 2005, at 6:30 p.m. in the Board Room, Washtenaw County Administration Building. Motion carried.

The meeting adjourned at 9:00 p.m.

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Stephen Solowczuk, Chair

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Lawrence Kestenbaum, Clerk/Register

By: Stephen Kirschner, Deputy Clerk

APPROVED: