

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
MAY 16, 2011
ADOPTED MINUTES
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1. CALL TO ORDER

The regular meeting of the Superior Charter Township Board was called to order by the Supervisor at 7:30 p.m. on May 16, 2011, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

The Supervisor led the assembly in the pledge of allegiance to the flag.

3. ROLL CALL

The members present were William McFarlane, Brenda McKinney, David Phillips, Nancy Caviston, Rodrick Green, Lisa Lewis and Alex Williams.

4. ADOPTION OF AGENDA

It was moved by Green, seconded by Caviston to adopt the agenda as amended, adding Michigan Township Association Annual dues, 2011-2012 as item h. under New Business and Ann Arbor/Ypsilanti Regional Chamber Dues, 2011-2012 as item i. under New Business.

The motion carried by a voice vote.

5. APPROVAL OF MINUTES

Citizen Participation was completed prior to this agenda item.

6. CITIZEN PARTICIPATION

**A. TERRY BLACKMORE, WASHTENAW AREA TRANSPORTATION STUDY.
WASHTENAW COUNTY MASTER TRANSIT PLAN**

Terry Blackmore from WATS made a presentation to the Board about the establishment of the proposed countywide Transit Master Plan. Michael Ford and Sarah Pressprich from AATA were also present to assist with the presentation. The first step of the process is for the county to be divided into eight boards with a total of 15 board seats. These boards will be established thru the participating community's adoption of an Act 7 Interlocal Agreement. These eight boards will determine the scope and funding of the countywide master transit plan so that the millage can be placed on the ballot. Ms. Blackmore reviewed the various improvements that would result from the implementation of the transit master plan. Superior Township's Act 7 Interlocal Agreement would include the Townships of Ann Arbor, Northfield and Salem. This group would then select one person to represent the group in the proposed Countywide

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fifteen member AATA Board. The Countywide AATA board would adopt the proposed countywide plan, which would include services provided and would identify the funding to pay for the services. All communities would have 30 days from the date of the adoption of the countywide plan to opt-out of the plan. Those communities that remained would have vote on any proposed millages and would be bound by the results of the county wide election. It is anticipated that the Act 7 board will be incorporated by September 2011.

B. KEN PALKA, PHP CPA'S, SUPERIOR TOWNSHIP'S ANNUAL AUDIT FOR 2010, ALL FUNDS

The firm of Pfeffer, Hanniford and Palka, CPA's (PHP, CPA's), recently completed an audit of the financial statements for all of the Township's funds for 2010. Mr. Ken Palka, Auditor with PHP, CPA's reviewed Superior Township's annual audit for fiscal year 2010. His report included four comments on items that needed to be corrected: They found several time sheets which were not correctly signed; they recommended that any cost overruns with Washtenaw County Road Commission projects be approved by the Township in writing; Invoices from non-profit agencies be worded as for services; They located several Township checks which did not have the required two signatures. All four of the comments have been already been addressed and corrected by the Township. He remarked that the Township is in good financial shape. The General Fund has a fund balance of \$1,126, 376, which is close to the cost of operating the Township for one year. There are adequate reserves for all other funds. The Utility Department has set fees at a reasonable level to allow for maintenance and repair of an aging system, costs and budgets are monitored carefully. The Township's accountants are doing a good job. Mr. Palka said he and his firm always look forward to working with Superior Township as the staff here is well prepared and it makes it easier for them to complete the audit.

It was moved by Caviston, seconded by Lewis, for the Board to receive PHP, CPA's 2010 annual audit of Superior Township for 2010 all funds.

C. CITIZENS COMMENTS

Martha Kern, Parks Commissioner, announced that the Parks Commission is conducting their first recreation program on June 18, 2011. They will be hosting a kick ball program at Oakbrook Park. She also said she supports the countywide transit master plan. She said it will provide better transportation options for many residents.

Ellen Kurath, inquired if PA 116 was ending this year. Supervisor McFarlane replied that they were not accepting any new applications for PA 116 after this year.

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Treasurer McKinney reminded everyone that Superior Township's annual Green Fair is scheduled for Saturday, June 11, 2011, from 11:30 a.m. to 2:00 p.m. at the Superior Township branch of the Ypsilanti District Library at Harris Rd. and MacArthur Blvd.

APPROVAL OF MINUTES

5. REGULAR MEETING OF APRIL 18, 2011

It was moved by McKinney, seconded by Green, to approve the minutes of the regular Board meeting of April 18, 2011, as presented.

The motion carried by a voice vote.

7. REPORTS

A. SUPERVISOR REPORT

Supervisor McFarlane reported on the following: Ypsilanti Township's recycling event Scheduled for May 21, 2011 has been cancelled. Building Inspector Rick Mayernik will be completing inspections for Pittsfield Township. This will not conflict with his responsibilities in Superior Township. The fees for his services will be deposited into Superior Township's Building Fund. The Washtenaw Area Transportation Study recently announced that a roundabout is scheduled to be constructed at the Plymouth and Dixboro Road intersection in 2013. Supervisor McFarlane explained that one firefighter is retiring in August 2011 and that there is concern about firefighter's salaries. He requested that two committees be established. One of the committees would include the Supervisor, Clerk, Fire Chief and two firefighters whose responsibilities would include establishing the process to hire a new fire fighter. This committee would also be responsible to investigate and make suggestions on how to provide the best fire department service to the community in the most cost effective way. The second committee would include the Supervisor, Treasurer, Clerk, Fire Chief and one firefighter. This committee would be responsible for completing an oral interview of the prospective candidates, rank the candidates and provide the Township board with a recommendation as to which candidate to hire.

It was moved by McKinney, and seconded by Lewis to approve the formation of the two committees as described and to approve the advertising of the job posting. The motion was adopted by voice vote.

B. DEPARTMENT REPORTS: ASSESSOR'S REPORT, BUILDING DEPARTMENT, FIRE DEPARTMENT, FIRE MARSHAL, HOSPITAL

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**FALSE ALARM, ORDINANCE OFFICER REPORT, PARK COMMISSION
MINUTES, SHERIFF'S REPORT, UTILITY DEPARTMENT, ZONING**

It was moved by Caviston, seconded by Green, that the Superior Township Board receive all reports.

The motion carried by a voice vote.

C. GENERAL FUND FINANCIAL REPORTS PERIOD ENDING MARCH 31, 2011

It was moved by Caviston, seconded by Green, that the Superior Township Board receive the General Fund Financial Reports for the period ending March 31, 2011.

The motion carried by a voice vote.

**D. UTILITY DEPARTMENT FINANCIAL REPORTS PERIOD ENDING
MARCH 31, 2011**

It was moved by Caviston, seconded by Green, that the Superior Township Board receive the General Fund Financial Reports for the period ending March 31, 2011.

The motion carried by a voice vote.

8. COMMUNICATIONS

There were no communications.

9. UNFINISHED BUSINESS

There was no unfinished business.

10. NEW BUSINESS

**A. HURON VALLEY AMBULANCE DESPATCHING AGREEMENT FOR
2011-2012**

Fire Chief Jim Roberts was present and made a presentation to the Board. The Township was one of the first communities to contract with Huron Valley Ambulance (HVA) to provide dispatching for fire and EMS. HVA now dispatches about 92% of all fire and EMS runs in Washtenaw County. Superior Township has been extremely satisfied with the dispatching services of HVA and found their service to be much cheaper than hiring Township employees to complete the dispatching. HVA's cost for 2011-2012 is \$17,729.88, which is \$3,529.32 less than the previous year. This cost is based on a cost of \$16.57 per dispatch, based upon the number of dispatches (1070 calls) they completed for

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Superior Township in 2010-2011. The decrease in cost is due to the reduction in calls for dispatch in Superior Township.

It was moved by McKinney, seconded by Lewis, to approve the agreement with Huron Valley Ambulance to provide dispatching service for fire and EMS to Superior Township for 2011-2012 at a cost of \$17,729.88.

Roll call vote:

Ayes: McFarlane, McKinney, Phillips, Caviston, Green, Lewis, Williams

Nays: None

Absent: None

The motion carried.

B. ROAD IMPROVEMENTS FOR 2011

Supervisor McFarlane provided the following proposed list of road improvement projects for 2011:

1. Dust Control (calcium chloride)	\$66,654.00
2. Pine Court	29,400.00
3. Fox Hollow	51,800.00
4. Ashley	44,700.00
5. Joy Road (Dixboro-Vorhies) ½ Salem	21,250.00
6. Ditching (Vorhies-Vreeland-Geddes)	17,586.00
7. Township Wide Limestone	9,662.00
Total	\$241,052.00

Revenue

1, Township Road Budget	\$176,000.00
2. Washtenaw County Matching Funds	31,259.00
3. Washtenaw County Ditch Matching Funds	8,793.00
4. CDBG Urban County	25,000.00

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Total \$241,052.00

Supervisor McFarlane explained that Salem Township has agreed to pay 50% of the cost of the improvements to Joy Road. He said he is recommending that the Township use calcium chloride this year. It costs about \$7,000 more but works better. The Township will be paying a total of \$176,000. The remainder of the funds will come from WCRC matching funds and the CDBG Urban County grant.

It was moved by McKinney, seconded by Green, for the Board to approve the road improvement projects for 2011 as listed in Supervisor McFarlane's memo at a cost of \$241,052.00; and, to authorize Supervisor McFarlane to sign the contract with the Washtenaw County Road Commission to complete the projects.

The motion carried by unanimous voice vote.

**C. NORTHEAST COMMUNITIES COUNTYWIDE TRANSIT
AUTHORITY SELECTION ACT 7 INTERLOCAL AGREEMENT**

Terry Blackmore of WATS explained during Citizen Participation the process and goals of establishing a countywide transit authority. Supervisor McFarlane explained that in order for the Township to retain the ability to become a partner in the countywide transit authority, it must enter into an Act 7 Interlocal Agreement with the Townships of Ann Arbor, Northfield and Salem. This group would then select one person to represent the group in the proposed Countywide AATA Board, which would be composed of fifteen (15) members. Participating in the Countywide AATA Board would allow the Township to have some influence into the scope and financing of the countywide master transit plan, and to retain the option of being a participant in the countywide transit authority. This arrangement allows the Township to opt-out of the countywide authority within 30 days of the formation of the countywide authority (Act 196 Authority Board). Board members expressed the opinion that it was in the Township's benefit to remain a participant in the Countywide AATA Board so that we had some influence on the establishment of the countywide master transit plan and the funding mechanism to pay for the services.

It was moved by McKinney, seconded by Green, to approve Superior Township to become a participant in the Northeast Communities Countywide Transit Authority Selection Act 7 Interlocal Agreement and to authorize the Supervisor to sign the Agreement.

Roll call vote:

Ayes: McKinney, Phillips, Caviston, Green, Lewis, Williams, McFarlane

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Nays: None

Absent: None

The motion carried.

**D. AFFIDAVIT CONCERNING SUPERIOR TOWNSHIP'S ACQUISITION
AND IMPLEMENTATION OF THE MDNR CHERRY HILL NATURE
PRESERVE GRANT**

Clerk Phillips explained that the Superior Land Preservation Society had requested the Township place a conservation easement on the Cherry Hill Nature Preserve. They are concerned that a future Board could allow development on the property that was not consistent with the intent for the perpetual preservation of the open space and natural features of the property. Clerk Phillips explained that he contacted Michigan Department of Natural Resources personnel who monitor the grant awarded to purchase the property. He was advised that placing a conservation easement on the property would jeopardize the terms and conditions of the grant, and could result in the Township being required to repay the MDNR the \$420,000 awarded to the Township. After researching the issue, it was felt that having the Parks Commission and the Township Board approve an affidavit and recording it with the Washtenaw County Register of Deeds was a suitable alternative to a conservation easement.

It was moved by Phillips, seconded by McKinney, for the Board to approve the following Affidavit and to authorize the Supervisor and Clerk to sign the Affidavit and have it recorded by the Washtenaw County Register of Deeds:

**AFFIDAVIT CONCERNING THE CHARTER TOWNSHIP OF SUPERIOR'S
ACQUISITION AND IMPLEMENTATION OF A
STATE OF MICHIGAN DEPARTMENT OF NATURAL RESOURCES,
MICHIGAN NATURAL RESOURCES TRUST FUND
LAND ACQUISITION PROJECT AGREEMENT
TO ESTABLISH THE CHERRY HILL NATURE PRESERVE**

On September 3, 1997, Charter Township of Superior (Township) and the Michigan Department of Natural Resources (Department) entered into an agreement known as the State of Michigan Department of Natural Resources, Michigan Natural Resources Trust Fund Land Acquisition Project Agreement (Agreement), whereby the Department

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awarded a grant in the sum equal to fifty (50%) percent of the total cost of acquisition of fee simple title free of all liens and encumbrances to the lands now known as the Cherry Hill Nature Preserve, whose legal description is:

OLD SID - J 10-017-008-00 SU 17-5 SW 1/4 SEC. 17 T2S R7E 160.00 AC.

On February 3, 1998, the Department awarded \$420,000 in funds as approved by the Agreement for the Township to purchase the Cherry Hill Nature Preserve property. Requirements of the grant include: "To make the property as shown on the attached boundary map and any future facilities provided thereon available for public recreation IN PERPETUITY and in accordance with uses describe in the land acquisition proposal and associated documents, and to regulate the use thereof and to provide for the maintenance thereof to the satisfaction of the of the Department, and to appropriate such moneys and/or provide such services as shall be necessary to provide such adequate maintenance".

On March 28, 2011, the Charter Township of Superior Parks Commission approved the content of this Affidavit and recommended that it be recorded by the Washtenaw County Register of Deeds. On May 16, 2011, the Charter Township of Superior Board of Trustees (Board) approved this Affidavit, and requested that the Charter Township of Superior Supervisor and Clerk sign this Affidavit and that it be recorded by the Washtenaw County Register of Deeds. By approving this Affidavit, the Board acknowledges the original purposes and reasons for the Township to apply for, accept and use of the funds awarded by the Department's Agreement to purchase the Cherry Hill Nature Preserve. The Board acknowledged the terms and conditions of the Agreement. The Board also affirms their commitment to comply with all terms and conditions of the Agreement and would encourage future Boards to do the same.

Attached as Exhibit #1: State of Michigan Department of Natural Resources, Michigan Natural Resources Trust Fund, Land Acquisition Project Agreement

Attached as Exhibit #2: Portions of the land acquisition plan for the Cherry Hill Nature Preserve Trust Fund Grant 96-117

IN WITNESS WHEREOF, the parties have executed this Affidavit.

TOWNSHIP:

CHARTER TOWNSHIP OF SUPERIOR,
a Michigan municipal corporation

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Drafted by and when recorded return to:

David Phillips
Superior Charter Township Clerk
3040 N. Prospect
Ypsilanti, Michigan 48198
(734) 482-6099

Roll call vote:

Ayes: Phillips, McKinney, Caviston, Green, Lewis, Williams, McFarlane

Nays: None

Absent: None

The motion carried.

E. APPLICATION FOR THE DIXBORO FAIR, AUGUST 6, 2011

The Dixboro United Methodist Church has applied to the Township Building Department for permission on conduct their annual Dixboro Fair. The event is scheduled for August 6, 2011 and will include the same layout, activities and events as previous years. Section 6.05 of the Superior Township Zoning Ordinance requires the application be forwarded to the Township Board for review and acceptance.

It was moved by McKinney, seconded by Caviston, that the Superior Township Board accept the application for the Dixboro Fair to be held on August 6, 2011.

The motion carried by unanimous voice vote.

**F. ST. JOSEPH HOSPITAL WEST ENTRANCE IMPROVEMENTS
DEVELOPMENT AGREEMENT**

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Clerk Phillips explained that the planning commission approved a final site plan for St. Joseph Mercy Hospital to make improvements to the intersection of McAuley Drive and Huron River Drive, which included new and expanded landscaping. A Development Agreement was drafted to address the construction and completion of the project. This is a small project. The Development Agreement establishes an escrow account and includes the other standard provisions.

It was moved by Caviston, seconded by Lewis, that the Superior Township Board approves the following St. Joseph Hospital West Entrance Improvements Development Agreement and authorizes Supervisor McFarlane to sign the agreement:

**Superior Charter Township
Washtenaw County, Michigan
Saint Joseph Mercy Health Systems
West Entrance Improvements**

DEVELOPMENT AGREEMENT

This Development Agreement ("*Agreement*") is entered into as of the _____ day of _____, 2011, by and between Saint Joseph Mercy Health Systems ("*Owner/Applicant/Developer*"), whose address is 5301 E. Huron River Drive, Ann Arbor, Michigan 48106, and the Charter Township of Superior, whose address is 3040 N. Prospect Road, Ypsilanti, Michigan 48198 (the "*Township*").

RECITALS:

- A. WHEREAS, the Developer desires to make alterations to the existing landscaping and roadway at the intersection of East Huron River Drive and McAuley Drive. Site improvements in the West Entrance Improvements will include: the removal of approximately 29 trees that are in poor health, 15 trees to be transplanted and the planting of 110 new trees to mitigate the removed trees; the planting of significant ornamental landscaping along both sides of McAuley Drive that includes grasses, perennials, groundcover, conifer and deciduous trees and shrubs; the removal of invasive trees and shrubs in the area; the installation of a new connector path for pedestrians; altering the intersection of East Huron River Drive and McAuley Drive to better accommodate traffic flow.
- B. WHEREAS, the Developer desires to make these West Entrance Improvements pursuant to the Superior Township Zoning Ordinance No. 174; and

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- C. WHEREAS, the entire property (340.80 acres) is located at the S 1/4 quarter of Section 31, T2S, R7E, Superior Township; and
- G. WHEREAS, the Developer desires to build all necessary infrastructure, such as, but not limited to, roadways, sidewalks, curb and gutter, lighting and landscaping, without the necessity of special assessments by the Township; and
- E. WHEREAS, the Developer desires to install the lot grading and soil erosion and sedimentation control improvements proposed on the construction plans in order to facilitate the additional drainage of stormwater from the development in such a manner as to avoid damage to any adjacent property or any adjacent lot from an increase in the flow or decrease in water quality of stormwater from the subject development; and
- F. WHEREAS, all contracts, maintenance agreements, approvals, and conditions agreed to by the Owner, Developer and the Township remain in effect including, but not limited to, conditions of all approvals by the Township regarding zoning and site plan approval for previous developments on the subject site, engineering approvals, and permits that may have been issued by appropriate governmental review agencies for the subject site; and
- G. WHEREAS, on January 26, 2011, the Township's Planning Commission passed a motion to approve the proposed West Entrance Improvements as a minor change to the approved final site and approved the revised preliminary and final site plans for the improvements; and
- H. WHEREAS, the approved final site plan for the Development is consistent with the purposes and objectives of the Township's Zoning Ordinance pertaining to the use and development of the Property; and
- I. WHEREAS, Section 10.06 G indicates that upon approval of a final plan by the Planning Commission, a Development Agreement between the Township and the property owners or developers is authorized to be executed, which agreement shall be binding upon the Township, Developer and the Owners of the site, their successors-in-interest, and assigns.

NOW, THEREFORE, in consideration of the premises and the mutual covenants of the parties described in this Agreement and with the express understanding that this Agreement contains important and essential terms as part of the final approval of the Developers final site plan for the Development the parties agree as follows:

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**ARTICLE I
GENERAL TERMS**

- 1.1 Recitals Part of Agreement.** The Owner, Developer and the Township acknowledge and represent that the foregoing recitals are true, accurate and binding on the respective parties and are an integral part of this Agreement.
- 1.2 Zoning District.** The Township acknowledges and represents that the Property is zoned Medical Services District (MS) for the development and for purposes of recordation shall be referred to as the Saint Joseph Mercy Health Systems West Entrance Improvements.
- 1.3 Approval of Site Plan.** The final site plan dated December 27, 2010, with revisions dated January 5, 2011, a copy of which is attached hereto and made a part hereof, has been approved pursuant to the authority granted to and vested in the Township pursuant to Public Act 110 of 2006, as amended.
- 1.4 Conditions of Site Plan Approval.** The Owner, Developer and the Township acknowledge that the approved final site plan for the development incorporates the approved conditions and requirements that were adopted by the Township Planning Commission, consultants and departments of the Township.
- 1.5 Agreement Running, with the Land.** The terms, provisions and conditions of this Agreement shall be deemed to be of benefit to the Property described herein, shall be deemed a restrictive covenant which shall run with the land and be binding upon, and inure to the benefit of the parties, their successors-in-interest and assigns; and may not be modified or rescinded except as may be agreed to writing by the Township, the Owner, the Developer and/or their respective successors. This restrictive covenant shall be incorporated by the appropriate executed instruments into the title of said property.

**ARTICLE II
PROVISIONS REGARDING DEVELOPMENT**

- 2.1 Tree Preservation.** Trees shown to be preserved and/or replaced on the final site plan shall be protected from encroachment during all phases of development and, if damaged or removed, shall be immediately replaced.
- 2.2 Construction Access.** Developer shall take all reasonable measures requested by the Township to reduce any dust created by trucks traveling to and from the construction site as approved on the final engineering plans. The measures may

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include installing brine on roads as well as deploying a water truck on site when dust conditions create a nuisance during the site development state of construction. The expense of these measures shall be born exclusively by the Developer

- 2.3** **Continuation of Services.** Developer shall take all reasonable measures to ensure that all vehicle and pedestrian access to the Saint Joseph Mercy Health Systems facilities shall be maintained.
- 2.4** **Engineering and Certification.**
- A.** Developer shall furnish three mylar As-built Drawing plans signed and sealed by an engineer licensed in the State of Michigan indicating that the site grading, water transmission system, sanitary sewer system, storm water conveyance, soil erosion/ sedimentation, detention/retention facilities, have been constructed in substantial accordance with the approved engineering plans. All inspections for water and sewer (sanitary and storm) installations are to be performed by the Township engineers, with applicable fees paid by Developer. The Township will review and approve improvements in accordance with the Township “Engineering Design Specification for Site Improvements” and other applicable laws and ordinances.
- B.** Developer shall furnish As-Built Drawing plans in zip disk or CD format, that is in conformance with the Charter Township of Superior Standards for Submitting Digital As-Built Drawings, Revised May 2003.
- 2.5** **Underground Utilities.** Developer shall install all electric, telephone and other communication systems underground in accordance with the requirements of the applicable utility company.
- 2.6** **Utility Fees.** All utility fees including all standard connection, inspections, costs and fees imposed by the Township, or other regulatory agencies, including, but not limited to, engineering inspection escrows, shall be paid by the Developer prior to issuance of the building permit.
- 2.7** **Engineering Approval of Plans.** In accordance with Superior Township Ordinance and Superior Township's Engineering Design Specifications, no construction work or grading shall be performed on the Development until engineering plans are reviewed and approved, all relevant permits obtained, and this agreement has been executed.

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- 2.8** **Construction Work Schedule.** Construction work (including excavation, demolition, alteration and erection) and construction noises shall be prohibited at all times other than:

MONDAY THROUGH FRIDAY – 7 A.M. – 6 P.M.

SATURDAY - 8 A.M. – 5 P.M.

The Township may issue a work permit for hours other than listed above upon written request of the owner or owner's representative. The request must demonstrate unusual or unique circumstances relating to the proposed construction hours.

- 2.9** **Removal of Construction Debris.** Developer shall remove all discarded building materials and rubbish at least once each month or as instructed by the Township to maintain a clean site during construction of the development and within one month of completion or abandonment of construction. No burning shall be allowed on site.
- 2.10** **Provision of Area Plan.** The Developer shall provide to the Township four (4) copies of the complete area plan of the 340.80 acre Saint Joseph Mercy Health System Complex accurately depicting the West Entrance Improvements and all other buildings, parking areas, roadways, signage, and facilities on the site, as well as open space areas.
- 2.11** **Inspection Escrow for Improvements as Shown on Final Site Plan.** Developer has provided a layout to the Township showing all site improvements which the Developer proposes to install therein, as reflected in the approved final site plan. Site improvements shall include but not be limited to landscaping, streets and drives, walkways and grading as cited in Section 1.12C (2) of the Superior Charter Township Zoning Ordinance. The Developer will deposit a total of **\$2,500** in escrow with the Township to secure the cost of inspection of the site improvements prior to the scheduling of the pre-construction meeting. The Developer will deposit such funds with the Treasurer's Office in the form of cash or a check payable to the Charter Township of Superior. The escrow funds shall state "Escrow for inspection of site improvements as shown of the Final Site Plan dated October 27, 2010, with January 5, 2011 revisions for Saint Joseph Mercy Health Systems West Entrance Improvements as stated in Section 2.11 of the Development Agreement". The **\$2,500** escrow amount stated above is based on specifications and estimates prepared by the Developer in an "itemized estimate" to the Township and approved by the Township and/or its agents. All site improvements shall be installed as agreed upon between the Developer and the Charter Township of Superior as presented on the final site plan approved and

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signed by the Planning Commission. The Township shall refund its unused portion of the escrow within forty-five (45) days after review and approval of the designated site improvements.

**ARTICLE III
MISCELLANEOUS PROVISIONS**

- 3.1 Modifications.** This Agreement may not be modified, replaced, amended or terminated without the prior written consent of the parties to this Agreement.
- 3.2 Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.
- 3.3 Township Approval.** This Agreement has been approved by the Owner, Developer and Township, through action of the Township Board at a duly scheduled meeting.
- 3.4 Developer and Owner Approval.** The signers on behalf of Developer below represent by their signatures that they represent and have authority to bind all owners of legal and equitable title in the property. Owners have signed to show only that they consent to the terms of the Agreement being made applicable to the property, and it is agreed they have no responsibility to carry out the responsibilities of Developer hereunder.
- 3.5 Execution in Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one Agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.
- 3.6 Pre-Construction Meeting with Builder.** Prior to the commencement of said construction, the Developer shall schedule a meeting with its construction manager and the Township's applicable departments, officials, and consultants to review the applicable policies, procedures and requirements of the Township with respect to construction of the subject development.

ARTICLE IV

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Nays: None

Absent: None

The motion carried.

G. BUDGET AMENDMENTS PARKS FUND

It was moved by Caviston, seconded by Green, to approve the following budget amendments:

PARK FUND BUDGET AMENDMENTS 5/16/11			
BUDGET LINE #	DESCRIPTION	DEBIT	CREDIT
508-751-851-000	INSURANCE	DECREASE	\$ 10,000.00
508-751-900-000	PRINTING & PUBLISHING ADMIN DEPT	\$ 2,000.00	INCREASE
508-756-900-000	PRINTING & PUBLISHING PARK DEVEL DEPT	DECREASE	\$ 250.00
508-756-951-000	BEAUFICATION PROJECTS	\$ 8,250.00	INCREASE
	TOTAL OF DEBITS/CREDITS	\$ 10,250.00	\$ 10,250.00

Roll call vote:

Ayes: McFarlane, Phillips, McKinney, Caviston, Green, Lewis, Williams

Nays: None

Absent: None

The motion carried.

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H. MICHIGAN TOWNSHIP ASSOCIATION ANNUAL DUES, 2011-2012

The Township received an invoice from the Michigan Township Association (MTA) for annual dues, 2011-2012 in the amount of \$5,429.32. Board members commented that the MTA provides numerous services to the Township and membership in the association is valuable.

It was moved by McKinney, seconded by Caviston, to approve the payment of the Michigan Township Association annual dues for 2011-2012 in the amount of \$5,429.32.

Roll call vote:

Ayes: McFarlane, McKinney, Caviston, Green, Lewis, Williams

Nays: None

Absent: None

The motion carried.

I. ANN ARBOR/YPSILANTI REGIONAL CHAMBER DUES 2011-2012

The Township received an invoice from the Ann Arbor/Ypsilanti Regional Chamber Dues for 2011-2012 in the amount of \$328.50.

It was moved by Caviston, seconded by Phillips, to approve the payment of the Ann Arbor/Ypsilanti Regional Chamber annual dues for 2011-2012 in the amount of \$328.50.

The motion carried by unanimous voice vote.

11. PAYMENT OF BILLS

It was moved by Caviston, seconded by Lewis, that the bills be paid as submitted in the following amounts: General - \$4,060.00; Law Fund - \$3,707.92; for a total of \$7,767.92. Further, that the Record of Disbursements be received.

The motion carried by a unanimous voice vote.

12. PLEAS AND PETITION

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Clerk Phillips advised the Board that for this meeting, and for the March Board meeting, he had included a document from the Southeast Michigan Council of Governments (SEMCOG), "Public Safety Cost per Resident for Region 01" as an FYI. He said that that a recent article in AnnArbor.com had raised questions about the salaries of Superior Township's firefighters. He said that according to SEMCOG's document, Superior Township's per capita costs for fire and police compared favorably to other communities that provided full-time, professional firefighters. He suggested that all Board members review the SEMCOG document.

13. ADJOURNMENT

It was moved by McKinney, seconded by Caviston, that the meeting be adjourned. The motion carried by a voice vote and the meeting adjourned at 9:00 p.m.

Respectfully submitted,

David Phillips, Clerk

William McFarlane, Supervisor