

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
JANUARY 16, 2007  
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 January 16, 2007, 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, Kay Williams, Brenda McKinney, Lisa Lewis, and David Phillips. Nancy Caviston and Rodrick Green were absent.

**4. ADOPTION OF AGENDA**

It was moved by McKinney, supported by Williams, to adopt the agenda as presented.

The motion carried.

**5. APPROVAL OF MINUTES**

**A. REGULAR MEETING OF JANUARY 2, 2007**

It was moved by McKinney, supported by Lewis, to approve the minutes of the regular Board meeting of January 2, 2007, as presented.

The motion carried.

**6. CITIZEN PARTICIPATION**

**A. CITIZEN CONCERNS**

James Fifelski, 1726 Sheffield, voiced his concerns about residents parking their cars in the driveway and blocking the sidewalks, causing pedestrians to walk in the grass or in the street. McFarlane will ask the deputies to ticket such cars.

**B. PLANNING COMMISSION INTERVIEWS FOR TWO VACANCIES**

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The Board interviewed four candidates for the two vacancies on the Superior Charter Township Planning Commission. Ryan Haywood, a current member of the Planning Commission whose term expires, was unable to attend the meeting but requested that he be considered for reappointment.

Porshea Anderson-Taylor, 1745 Prospect; John A. Copley, 6735 Cherry Hill; Sherry Simpson, 9096 Ascot; and Carl F. Woodward, 6390 Plymouth Road were interviewed by the Board.

McFarlane requested that Board members express their opinions concerning the candidates to him and that he will make his recommendations for appointment at the February 5 meeting.

**7. REPORTS**

**A. SUPERVISOR**

The Supervisor reported on two items:

1. McFarlane attends meetings of other township supervisors to discuss common concerns. At the last meeting the supervisors of several townships said that their assessing departments had not met the State standards and would need to make extremely costly changes to remedy the situation. The Superior Township Assessing Department has passed the very difficult 14 Point Assessment conducted by the State with flying colors and the Assessing Department is to be commended.
2. The Appraisal for the property on the northeast corner of Prospect and Cherry Hill which belongs to Mrs. Peggy Brothers valued the property at \$135,000.00. McFarlane and Williams met with Mrs. Brothers to discuss terms. Mrs. Brothers asked that the Board go on record that the Township would buy the property before she meets with her accountant to determine the best way to sell the land. McKinney said that the Township should purchase the property for the future. Lewis agreed and thought that it would be best to purchase it on a three-year land contract to keep the Township's options open. Phillips felt that buying the property was a logical step for the Township, and, further, if it was not purchased, the property could become a nuisance as it is so close to the Township Hall site.

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It was moved by Williams, supported by McKinney, that the Superior Charter Township Board wished to pursue the purchase of the Brothers property, 3010 N. Prospect, for \$135,000.00, and that the preferred method of payment would be in three equal payments on a land contract at the prevailing interest rate.

The motion carried.

**B. DEPARTMENT REPORTS: FIRE DEPARTMENT, BUILDING DEPARTMENT, UTILITY DEPARTMENT, ORDINANCE OFFICER, SHERIFF DEPARTMENT**

It was moved by McKinney, supported by Green, that the Fire Department Report for December, the Building Department Report for December, the December Utility Department Report, Ordinance Officer Report for December/January, and the Sheriff Department Report be received.

The motion carried.

**C. NOVEMBER FINANCIAL STATEMENT UTILITY DEPARTMENT**

It was moved by McKinney, supported by Williams, that the November financial statement for the Utility Department be received.

The motion carried.

**8. COMMUNICATIONS**

**A. MDEQ – PUBLIC HEARING ON FEBRUARY 6, ON WETLAND MITIGATION IN SECTIONS 21 AND 22**

The Michigan Department of Environmental Quality is holding a hearing on February 6, 2007, at 7:00 p.m. at the Township Hall on an application for Permit 06-81-0084-P by Lakeside Oakland Development LLC, 30295 Embassy, Beverly Hills, Michigan proposing to establish approximately 26 acres of wetland as required by a Consent Judgment, and approximately 66 acres of wetland as a mitigation bank. The project is located in Sections 21 and 22 in Superior Township.

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board receive the communication from the Michigan Department of Environmental Quality.

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The motion carried.

**9. UNFINISHED BUSINESS**

There was none.

**10. NEW BUSINESS**

**A. AMENDMENT TO THE WASHTENAW COUNTY ROAD  
IMPROVEMENT AGREEMENT FOR MOCERI &  
LOMBARDO (WOODSIDE VILLAGE CONDOMINIUMS)**

Because of recent pavement failures experienced on the east side of Ridge Road related to Woodside Village road improvements, the Washtenaw County Road Commission has requested that the original Road Improvement Agreement between the Road Commission, Superior Charter Township, and the developers for Woodside Village, Mocerri & Lombardo, be extended until June 15., 2007.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board authorize the Supervisor to sign the following amendment to the Washtenaw County Road Commission Agreement:

**FIRST AMENDMENT TO ROAD IMPROVEMENT AGREEMENT**

This First Amendment to Road Improvement Agreement (the "First Amendment") is dated as of the \_\_ day of \_\_\_\_\_, 2007 and is the first amendment to the Road Improvement Agreement ("Agreement") by and between the **Board of County Road Commissioners of the County of Washtenaw**, a Michigan Municipal body corporate, with offices located at 555 N. Zeeb Road, Ann Arbor, Michigan 48103 ("WCRC") and **Mocerri & Lombardo of Superior, LLC**, a Michigan limited liability company with offices located at 6303 26 Mile Road, Washington, Michigan 48094 ("MLS") and the **Charter Township of Superior**, a Michigan Municipal Corporation, with offices located at 3040 N Prospect Road, Ypsilanti, Michigan 48198 ("Township").

WHEREAS, on July 12, 2005, WCRC, Township and MLS executed the Agreement with respect to the construction of certain improvements to Ridge Road in Section 36 of the Charter Township of Superior, Washtenaw County, Michigan; and

WHEREAS, WCRC, Township and MLS desire to amend the Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals, the covenants and agreements contained in this First Amendment and other good and valuable consideration, the

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receipt and adequacy of which are hereby acknowledged, WCRC, Township and MLS agree as follows:

1. Section 1.9 of the Agreement shall be deleted in its entirety and replaced with the following Section 1.9:  
  
"1.9 **Completion Date.** MLS shall complete construction of the Road Improvements not later than June 15, 2007 subject to any causes beyond MLS's or its contractor's reasonable control."
2. Other than as set forth above, the Agreement shall remain unamended.
3. The Agreement, as amended by this First Amendment, shall remain in full force and effect.

The parties have executed the First Amendment as of the first date written above.

WITNESSED:

MOCERI & LOMBARDO OF SUPERIOR, LLC  
a Michigan Limited Liability Company

By: \_\_\_\_\_

By: \_\_\_\_\_  
Name: Anthony F. Lombardo  
Authorized Representative

CHARTER TOWNSHIP OF SUPERIOR  
a Michigan Municipal Corporation

By: \_\_\_\_\_

By: \_\_\_\_\_  
Name: William A. McFarlane  
Supervisor

BOARD OF COUNTY ROAD  
COMMISSIONERS OF WASHTENAW  
COUNTY, a Michigan Municipal Corporation

By: \_\_\_\_\_

By: \_\_\_\_\_  
Name: Steven M. Puuri  
Managing Director

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Lewis, Phillips

Nays: None

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Absent: Caviston, Green

The motion carried.

**B. POLICY FOR ELECTRONIC MAIL RETENTION**

The Township Attorney has advised that a policy be enacted in regard to the retention of Township documents and letters that come to the Township via e-mail. The Michigan Department of History, Arts, and Libraries provided a sample policy that meets State Law requirements for record retention. Of the several ways of storing electronic mail suggested by the State, the simplest one is for employees to make hard (paper) copies of e-mail that needs to be saved.

It was moved by McKinney, supported by Lewis, that the Superior Charter Township Board adopt the following policy for electronic mail retention and direct all employees to follow the policy:

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WASHTENAW COUNTY, MICHIGAN  
JANUARY 16, 2007**

**A RESOLUTION TO ESTABLISH A POLICY FOR  
ELECTRONIC MAIL RETENTION**

**WHEREAS**, in order for government to function administratively, undergo periodic audits, provide for its legal requirements and document its heritage, it must manage its records properly.

**NOW, THEREFORE, BE IT RESOLVED** that the Superior Charter Township Board requires its employees to retain and destroy e-mail messages that are sent and received in the course of conducting official business in accordance with the following records Retention and Disposal Schedule:

**PROCEDURES**

**Definitions:**

- **Electronic mail (e-mail):** is a means of exchanging messages and documents using telecommunications equipment and computers. A complete e-mail message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc.; as well as

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aliases and names of members of groups), and any attachments. Transactional information can be found and printed or saved from the e-mail system (see the software manual for instructions).

- **Records Retention and Disposal Schedules:** are listings of records or records series that are maintained by government agencies in the course of conducting their official business that identify how long the records must be kept, when they may be destroyed and when certain records can be sent to the Archives of Michigan for permanent preservation. In accordance with Michigan law, records cannot be destroyed unless their disposal is authorized by an approved Retention and Disposal Schedule. Retention and Disposal Schedules are developed by the Department of History, Arts and Libraries, Records Management Services, through consultation with an agency about its records. These schedules are then approved by the Michigan Historical Center, the Attorney General of the State of Michigan, the Auditor General of the State of Michigan, and the State Administrative Board.

**Employee Responsibilities:**

- Senders and recipients of e-mail messages shall evaluate each message to determine if they need to keep it as documentation of their role in a business process.
- Senders are generally considered to be the person of record for an e-mail message. However, if recipients of the message take action as a result of the message, they should also retain it as a record.
- It is recommended that employees retain only the final message in a communication string that documents the contents of all previous communications. This is preferable to retaining each individual message, containing duplicate content.
- Shall evaluate the content and purpose of each e-mail message to determine which Retention and Disposal Schedule defines the message's approved retention period.
- Employees shall retain e-mail that has not fulfilled its legally-mandated retention period by printing the message and filing it with other paper records that document the business process.
- Shall retain transactional information (see definition of e-mail above) with the e-mail message if there is a substantial likelihood of relevancy to litigation.
- Shall organize their e-mail messages so they can be located and used.
- Shall dispose of transitory, non-record and personal e-mail messages from the e-mail system.
- Shall dispose of e-mail messages that document the official functions of the agency in accordance with an approved Retention and Disposal Schedule. Note: Records, including e-mail, shall not be destroyed if they have been requested under FOIA, or if they are part of on-going litigation, even if their retention period has expired.
- Shall provide access to their e-mail to the FOIA or Litigation Coordinator upon request.
- Shall retain all work-related appointments, tasks and notes stored in the e-mail system for 2 years.

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- Recognizing that e-mail messages that are sent and received using the Township of Superior's e-mail system are not private, employees are encouraged to manually delete personal appointments (such as sick leave or annual leave) from the e-mail system after the event takes place.

**Superior Charter Township Responsibilities:**

- Shall ensure that its records are listed on an approved records Retention and Disposal Schedule.
- Shall ensure that all employees with e-mail accounts are aware of and implement this policy.
- Shall notify the Clerk when the accounts of former employees can be closed.
- Shall ensure that the e-mail messages (and other records) of former employees are retained in accordance with approved Retention and Disposal Schedules.
- Shall notify the litigation or FOIA coordinator when an agency becomes involved in litigation or receives a FOIA request.
- Exceptions to the procedures in this document may be granted in writing by the Clerk.

**FOIA and Litigation Coordinator Responsibilities:**

- Shall identify if the records that are requested by the public are stored in e-mail, even if the public does not specifically request e-mail.
- Shall notify affected employees that a FOIA request involving e-mail was received to prevent the destruction of relevant messages.
- May in appropriate instances notify the Clerk that a FOIA request involving e-mail was received to prevent the destruction of relevant messages.
- Shall identify all records relevant to litigation to which the agency is a party that are stored in e-mail.
- Shall notify the Clerk that e-mail related to litigation cannot be destroyed until after the case is closed.

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Lewis, Phillips

Nays: None

Absent: Caviston, Green

The motion carried.

C. **AMENDMENT TO MERS HEALTH CARE SAVINGS PLAN  
FOR DAVID JUDSON**



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It was moved by McKinney, supported by Williams, that the Superior Charter Township Board adopt the following Resolution:

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WASHTENAW COUNTY, MICHIGAN  
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A RESOLUTION TO AMEND THE MERS HEALTH CARE SAVINGS PLAN**

WHEREAS David Judson wishes to amend his deduction amount in his MERS Health Care Savings Plan; and

WHEREAS employees are entitled to do so once each calendar year; and

WHEREAS any change must be approved by the Superior Charter Township Board as the Plan is classified by the Internal Revenue Service as a Mandatory Salary Reduction;

NOW, THEREFORE, BE IT RESOLVED that the mandatory deductions for the MERS Health Care Savings Plan for David Judson be amended as follows:

David Judson - Change from Option 3 with a 3% deduction to Option 3 with a 4.5% deduction

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Lewis, Phillips

Nays: None

Absent: Caviston, Green

The motion carried.

**D. RESOLUTION ON CHANGING STREET NAMES FOR PROSPECT POINTE 2**

When Prospect Pointe Subdivision No. 2 plat went the to State for recording, the names of two of the streets were considered to be too similar to other names in the same zip code area.

It was moved by McKinney, supported by Williams, that the Superior Charter Township Board adopt the following Resolution:

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**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
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**A RESOLUTION TO CHANGE STREET NAMES  
IN PROSPECT POINTE SUBDIVISION NO.2**

WHEREAS the final plat for Prospect Pointe Subdivision No. 2 was approved by the Superior Charter Township Board on March 6, 2007; and

WHEREAS the proposed street names of Bethany Court and Heather Lee Court are similar to street names already in use in the 48198 zip code area; and

WHEREAS the similarities in name may cause confusion and pose a threat to the safety and welfare of the residents of the Township; and

WHEREAS the Superior Charter Township Board has the ability to seek name changes under Section 256 of the State of Michigan Land Division Act,

NOW, THEREFORE, BE IT RESOLVED that the street name of Bethany Court be changed to Myrtle Court and, further, that Heather Lee Court be changed to Camille Court in Prospect Pointe Subdivision No. 2 in Superior Charter Township, Washtenaw County, Michigan.

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Lewis, Phillips

Nays: None

Absent: Caviston, Green

The motion carried.

**E. PROPOSAL FOR SURVERY OF UTILITY ADMINISTRATION  
BUILDING**

The triangular piece of land to the west of the Utility Administration Building was abandoned by the Washtenaw County Road Commission as part of the realignment of Prospect Road at Clark. The Utility Department requested that the Department conduct a survey of the land to initiate the process of acquiring the property.

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It was moved by McKinney, supported by Williams, that the Superior Charter Township Board approve the expenditure of a lump sum fee of \$3,700.00 for a land acquisition survey of the property at the northeast corner of Prospect and Clark Road to be performed by the Township Engineers, OHM.

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Lewis, Phillips

Nays: None

Absent: Caviston, Green

The motion carried.

**F. BID TO FIX PARKING LOT AT TOWNSHIP HALL**

A section of the concrete parking lot in the back of the Township Hall is breaking up causing a hazard to anyone walking on it. It needs immediate temporary repair and permanent repair in the spring. Four companies bid on the project.

It was moved by Williams, supported by Phillips, that the Superior Charter Township Board receive the bids for repairing the parking lot on the Prospect side of the Township Hall and hire C&J Contracting, Inc. 6435 Beck Road, Canton, MI 48187, to remove existing concrete area (20 feet by 36 feet), replace with crushed limestone, and compact the area for a sum not to exceed \$1,400.00.

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Lewis, Phillips

Nays: None

Absent: Caviston, Green,

The motion carried.

**G. REQUEST TO WAIVE LATE FEE ON UTILITY BILL**

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Mandeep K. Nagra, 8540 Barrington Drive, requested that the late fee of \$20.39 be waived as her Utility payment did not arrive on time because her bank did not send it in time.

It was moved by McKinney, supported by Williams, that the Superior Charter Township Board table the request from Mandeep K. Nagara to waive the \$20.39 late fee.

The motion carried.

**11. PAYMENT OF BILLS**

It was moved by McKinney, supported by Caviston, that the bills be paid as presented.

The motion carried.

**12. PLEAS AND PETITIONS**

Dennis Donahue, 2223 N. Prospect, asked for the Board's support in the request from the Ann Arbor Greenbelt Program's desire to purchase the development rights from the current owners of the 77 acres on the northwest corner of Geddes and Prospect.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board authorize the Supervisor to send a letter of support for the purchase of development rights by the Ann Arbor Greenbelt Program for 77 acres on the northwest corner of Geddes and Prospect.

The motion carried.

**13. ADJOURNMENT**

It was moved by Williams, supported by McKinney, that the meeting adjourn.

The motion carried and the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Kay Williams, Clerk