

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
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Prior to the meeting the Board heard a presentation from Jason Kaplan, Washtenaw County Department of Planning & Environment, on the Washtenaw Metro Alliance proposed Coordinated Connected Parks and Open Space System Plan.

**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 March 21, 2005, 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, Nancy Caviston, Lisa Lewis, and David Phillips. Rodrick Green was absent.

**4. ADOPTION OF AGENDA**

It was moved by Caviston, supported by McKinney, to adopt the agenda as amended.

The motion carried.

**5. APPROVAL OF MINUTES**

**A. REGULAR MEETING OF MARCH 7, 2005**

It was moved by Caviston, supported by McKinney, to approve the minutes of the regular Board meeting of March 7, 2005, as presented.

The motion carried.

**6. CITIZEN PARTICIPATION**

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Ellen Kurath, 2203 Hickman Road, had concerns about the safety of electronic data and data bases being compromised for illegal means. She felt that all systems should be isolated for the protection of individual privacy.

**7. REPORTS**

**A. SUPERVISOR**

The Supervisor reported that the Township will be hosting a meeting on “Wireless Washtenaw” for the County on March 29 from 9:30 a.m. to 11:30 a.m. Attendees will learn how the County plans to implement a “wireless” communication system.

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

It was moved by Caviston, supported by Lewis, that the Fire Department Report for February 2005, the Utility Department Report dated March 18, 2005, the Ordinance Officer Report for February/March 2005, and the Sheriff Department Reports for January and February be received.

Sergeant Campbell was present to answer questions and report that there were no noticeable trends emerging in regard to types of crime. The increase in larcenies at construction sites is due partly to the increase in construction sites. Phillips asked about the cases of fraud; most stem from internet sales. McFarlane was concerned about the number of false alarms and has requested a report on the number and location of the calls. If the false alarms are a result of faulty alarm systems, the Township may need to broaden the false alarm ordinance.

The motion to receive the reports carried.

**8. COMMUNICATIONS**

**A. JILL MOREY – YPSILANTI DISTRICT LIBRARY**

Jill Morey, Director of the Ypsilanti District Library, thanked the Board for the opportunity to make a presentation at the March 7 Board meeting. At that

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meeting several questions were raised which Ms. Morey answered in a letter to the Board.

1. The Library currently employs 31 people full time, 28 part time and 15 substitutes.
2. The Library records indicate that 1,202 Superior Township residents are active cardholders.
3. The Plymouth-Canton School District residents would be eligible to join the Library District if the proposed millage is passed and Superior Township joins the Library District.
4. She included a copy of the Library 2004-2005 Budget.

It was moved by Caviston, supported by McKinney, that the letter from Jill Morey, Ypsilanti District Library Director dated March 9, 2005, be received.

The motion carried.

The Library Board requested that a committee for the millage be established. Lewis and Williams volunteered to serve on the committee.

**9. OLD BUSINESS**

There was none.

**10. NEW BUSINESS**

**A. COORDINATED PARKS & OPEN SPACE FUNDING REQUEST**

Jason Kaplan, from Washtenaw County Department of Planning & Environment, was present to discuss the Washtenaw Metro Alliance proposed Coordinated Connected Parks and Open Space System Plan Development funding request.

The objectives of the proposed Plan are:

1. inform residents about the current system of parks, recreation and open spaces;
2. identify additional recreation and open space opportunities,
3. coordinate open space & recreation programs

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The County would hire Carlisle/Wortman to help the County Department of Planning and Environment prepare the Plan. Superior Charter Township's share in the cost would be \$4,500.00.

Williams said that she thought a coordinated effort was a good idea, and that she would be willing to help, but she was concerned about the \$4,500.00. With all the budget cuts, the Township has to watch expenditures. In addition, the next thing on the agenda is a request for \$10,000.00 from the Southwest Michigan Land Conservancy for the actual purchase of development rights for a ¼ section of land. If the Township is going to spend taxpayers money on open space, she would rather spend it on an actual purchase of open space, instead of a study about open space.

McFarlane asked if any other communities had committed to the study; Kaplan said that about ½ of the communities had. Kaplan also said that the County was going to do the Plan even if no other communities contributed. McFarlane felt that if all the other communities contributed, Superior Township should also contribute. He asked that Kaplan keep the Township informed about other community commitments.

It was moved by Williams, supported by McKinney, that the Superior Charter Township contribution to the Washtenaw Metro Alliance proposed Coordinated Connected Parks and Open Space System Plan be tabled until the Township hears about other community contributions.

The motion carried.

**B. LAND CONSERVANCY APPLICATION – DEVELOPMENT RIGHTS ON SCHULTZ FARMLAND**

The Southeast Michigan Land Conservancy has requested support for their application to the Federal Farm and Ranch Lands Protection Program to purchase the development rights to the 158 acre farm owned by Robert H. Schultz in the Southeast ¼ of Section 27. This land is north of Geddes, west of Harris, due east of LeFurge Woods.

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Jack Smiley, President of the Southeast Michigan Land Conservancy, and Robert Schultz, were present to answer questions. McFarlane noted that Schultz has invested a lot in Superior Township in an attempt to protect farm lands.

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

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**MARCH 21, 2005**

**A RESOLUTION SUPPORTING THE APPLICATION TO PURCHASE THE  
DEVELOPMENT RIGHTS ON A 158 ACRE FARM IN SUPERIOR TOWNSHIP**

WHEREAS, the Township Board of Trustees received a request from the Southeast Michigan Land Conservancy for support of their application to the Federal Farm and Ranch Lands Protection Program to purchase the development rights to the 158-acre farm owned by Robert H. Schultz in the Southeast 1/4 of Section 27 of Superior Township; and

WHEREAS, the Township Board of Trustees has reviewed this request for support and determined that the application for development rights acquisition for this property is compatible with the long-range goals of the Township regarding farmland preservation; and

WHEREAS, the subject property lies between protected properties and would form a large block of permanently protected farmland in an area of high development pressure; and

WHEREAS, the Township Board of Trustees finds the request for the purchase of development rights acceptable:

**NOW, THEREFORE BE IT RESOLVED, BY THE SUPERIOR CHARTER TOWNSHIP BOARD AS FOLLOWS:**

1. That the Township Board of Trustees hereby certifies that the nominated property is currently zoned for agricultural use under the Township's Master Plan adopted July, 2004.
2. That the Township Board of Trustees hereby supports the application by the Southeast Michigan Land Conservancy to purchase the development rights to the property.

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3. That the Township Board of Trustees hereby certifies that development rights acquisition of the nominated property is compatible with the long-range farmland preservation goals of the Township.

4. That the Township Clerk is hereby directed to transmit certified and sealed copies of this resolution to the application.

**BE IT FURTHER RESOLVED:**

That Superior Charter Township pledges to contribute \$10,000 as matching funds to purchase the development rights to this property.

Roll call vote:

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

Nays: None

Absent: Green

The motion carried.

**C. CHANGES TO UTILITY DEPARTMENT SCHEDULE OF RATES, FEES, AND CHARGES**

The Utility Department is requesting changes in the charge for truck and transmission fees regarding filling swimming pools as changes in the swimming pool industry have resulted in improvements that significantly reduce the impact on water usage. Therefore the Department recommended that the unit factor for swimming pools be reduced from a 3.00 unit per thousand square feet to a 2.00 unit per thousand square feet.

The Department would also like to increase the charge for a returned check (NSF) from \$15.00 per occurrence to \$25.00, which is a more accurate representation of the real costs to the Utility Department.

Rick Church, Utility Director, was present to answer questions.

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

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**MARCH 21, 2005**

**AN AMENDMENT TO THE RESOLUTION ADOPTED FEBRUARY 27,1996, TO  
DETERMINE RATES, FEES, AND CHARGES RELATED TO SEWER AND WATER  
SERVICES PROVIDED BY THE TOWNSHIP'S UTILITY DEPARTMENT**

WHEREAS, this Board is authorized by statute and by the provisions of Township Ordinance No. 133 to determine by resolution rates, fees and charges for services and benefits by Township's sewer and water systems; and

WHEREAS, this Board finds that the amended proposed schedule of fees is reasonable and necessary for the continuing operations of the Township Utility System and consistent with the past practices and policies of the Township;

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board does hereby determine that the fees for services and benefits furnished by the Township's sewer and water systems shall be amended as follows:

**Special Rates**

For miscellaneous services the following rates are established.

**Outside Services**

Services provided to major properties in Superior Township (not homes) that are not the responsibility of the Township Utility Department by Township personnel using Township equipment are as follows:

Service Truck	\$10.00 per hour or any part thereof.
Sewer Jet	\$110.00 per hour or any part thereof.
Backhoe	\$50.00 per hour or any part thereof.
Dump Truck	\$30.00 per hour or any part thereof.





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Theaters - Drive In	1.00 unit + 0.20 unit per car
Warehouses	0.15 unit per thousand square feet

The fee per unit means one (1) unit factor times the base unit rate, other than single family residential. If only water is connected, the unit factor is one (1) times the unit factor for water systems charge. If only sewer is connected, the unit factor is one (1) times the unit factor for sewage systems charge.

In the case of a single family dwelling or any other single building, the Trunk and Transmission fees shall be paid prior to the application for a building permit.

An additional Trunk and Transmission fee will be collected when a commercial site requests a building addition permit, based on size and use.

BE IT FURTHER RESOLVED that the Township Clerk shall cause a certified copy of this Resolution, together with the attached Schedule A, to be published in the Ypsilanti Courier within 30 days after the date of passage of this Resolution and the fees and charges set forth in Schedule A shall become effective on the day after such publication.

**CERTIFICATION**

I, Kay Williams, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Superior Charter Township Board held on March 21, 2005.

Kay Williams, Superior Township Clerk

Roll call vote:

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

Nays: None

Absent: Green

The motion carried.

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**D. REQUEST TO WAIVE CONNECTION FEES TO OBTAIN  
EASEMENT ON RIDGE ROAD FOR SECTION 36 UTILITY  
PROJECT**

The Utility Department requested that the Board waive future fees for a water connection to a home on Ridge Road in order to obtain an easement for utility lines as a part of the Section 36 Utilities Improvement Project. The Project is being funded by developers through development agreements.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board authorizes the Utility Department to waive the Trunk and Transmission, Tap and Availability Fees for a water connection for a single residential home located at 1759 Ridge Road. In exchange, the Township will be granted two easements that are critical to the Section 36 Utilities Improvement Project:

1. A 27 foot permanent easement for water main installation and maintenance
2. A 10 foot temporary construction easement that would terminate on the date the contractor completes the Section 36 Utilities Improvement Project

Roll call vote:

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

Nays: None

Absent: Green

The motion carried.

**E. UTILITY MAINTENANCE TEAM/CREW LEADER POSITION  
RECOMMENDATION**

On February 21, 2005, the Board approved the posting of the Utility Maintenance Team/Crew Leader position and the position was posted on February 28. Based

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on the applicant's resume, history with the Township's Utility Department, qualifications and education, Rick Church, Utility Director, recommended that Kerry Bordine be promoted from Utility Technician II to the new position.

It was moved by Caviston, supported by McKinney, that the Superior Charter Township Board concur with the recommendation from the Utility Director and promote Kerry Bordine to Utility Maintenance Team/Crew Leader at a starting salary of \$39,208.00 effective March 21, 2005.

Roll call vote:

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

Nays: None

Absent: Green

The motion carried.

**F. ORDINANCE #165 – NUISANCE ORDINANCE – FIRST READING**

The Township has a nuisance ordinance in place (Ordinance #138) that was adopted in 1997, but it does not address current needs. The proposed ordinance is a revision of Ordinance #138 and has been prepared by Victor Lillich, Attorney in the firm of Reading, Etter, and Lillich and reviewed by the Building Official.

Rick Church asked if it applied to manufactured homes in the mobile home parks; that will be researched for the next reading. There was also some discussion on the date of the determination of value by the assessor. This will be clarified for second reading as well.

It was moved by Caviston, supported by McKinney, that the Superior Charter Township Board adopt the following ordinance for first reading:

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE NO. 165**

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**AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND  
GENERAL WELFARE UNDER THE AUTHORITY OF PUBLIC ACTS  
359 OF 1947, 246 OF 1945, AND 167 OF 1917, AS AMENDED, AND  
PURSUANT TO THE STATUTES AND LAWS OF THE STATE OF  
MICHIGAN; TO PROVIDE FOR THE ELIMINATION, REDUCTION OR  
PREVENTION OF BLIGHT, PUBLIC NUISANCES AND DANGEROUS  
BUILDINGS OR STRUCTURES WITHIN SUPERIOR CHARTER  
TOWNSHIP, WASHTENAW COUNTY, MICHIGAN; TO PROVIDE FOR  
ENFORCEMENT THEREFOR; AND TO ESTABLISH A PENALTY FOR  
VIOLATION.**

**THE CHARTER TOWNSHIP OF SUPERIOR ORDAINS:**

**DIVISION 1. GENERALLY**

**Section 1. Definitions.** The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

A. "Public Nuisance" means a thing, condition, or use that annoys, inconveniences, injures or endangers the public health, safety, comfort, or repose; offends public decency; litters or pollutes, interferes with, obstructs, or renders dangerous any road, street, highway, lake, river or stream; or in any way renders the public insecure in life or property because of offensive odors, noises, substances, smoky ashes and soot, dust, gas, fumes, chemical diffusion, smog, disturbances and vibrations of the earth, water, air, or structures, emanations, or sights is hereby declared to be a "public nuisance." Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this ordinance.

B. "Dangerous Building" shall include any building or structure whether constructed or maintained for residential, commercial, industrial or other use that has 1 or more of the following defects or is in 1 or more of the following conditions:

- (1) A door, aisle, passageway, stairway, or other means of exit does not conform to the approved fire code of the city, village, or township in which the building or structure is located.

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- (2) A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum requirements of this act or a building code of the city, village, or township in which the building or structure is located for a new building or structure, purpose, or location.
- (3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (4) A portion of the building or structure has settled to an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by this act or a building code of the city, village, or township in which the building or structure is located.
- (5) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- (6) The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.
- (7) The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
- (8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or other reason, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.

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- (9) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
  
- (10) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under article 25 of the occupational code, 1980 PA 299, MCL 339.2401 to 339.2501. For purposes of this subdivision, "building or structure" includes, but is not limited to, a commercial building or structure. This subdivision does not apply to either of the following:
  - (a) A building or structure if the owner or agent does both of the following:
    - (i) Notifies a local law enforcement agency in whose jurisdiction the building or structure is located that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the local law enforcement agency by the owner or agent not more than 30 days after the building or structure becomes unoccupied.
    - (ii) Maintains the exterior of the building or structure and adjoining grounds in accordance with this act or a building code of the city, village, or township in which the building or structure is located.
  
  - (b) A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies a local law enforcement agency in whose jurisdiction the dwelling is located that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the law enforcement agency not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling including, but not limited to, a vacation home, hunting cabin, or summer home, that is

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occupied by the owner or a member of the owner's family during part of a year.

**Section 2. Nuisance Prohibited.**

A. General Prohibition. It shall be unlawful for any person to cause or permit the existence and continuance of a public nuisance.

B. Specific Prohibitions. The following acts, services, apparatus and structures are hereby declared to be public nuisances:

- (1) The maintenance of polluted or stagnant ponds or pools of water on the earth or in any holding tank or vessel;
- (2) The throwing, placing, depositing, or leaving, by any person, any animal or vegetable substance, dead animal, fish, shell, tin cans, bottles, glass, or other rubbish, dirt, excrement, filth, unclean or nauseous water or other fluids, hay, straw, soot, garbage, swill, animal bones, hides or horns, rotten soap, grease or tallow, offal, or any other offensive articles or substances whatever in any stream, river, lake, street, highway, lane, alley, public place or premises or in any private place or premises where such throwing, placing, depositing or leaving is dangerous or detrimental to the public health, likely to cause sickness or attract flies, insects, rodents and/or vermin;
- (3) The pollution or littering of any street, highway or lane, stream, river, lake, or body of water by depositing, or permitting to be deposited, any refuse, foul or noxious liquid or water, or creamery or industrial waste;
- (4) The omission of noxious fumes or gas in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities;
- (5) An immoral, obscene or illegal act which is committed in any vehicle on any street, highway, lane, alley or other public place;
- (6) Betting, bookmaking, and/or the keeping or maintaining of any gambling book, gambling devices, and all apparatus used in such occupations or for such purposes;

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- (7) The keeping or maintaining of any residence, building or structure for the purpose of prostitution, the sale of illegal drugs, or other illicit, immoral or illegal sexual activity, acts or purposes;
- (8) The distribution of prescription medicines or drugs, or samples of prescription medicines or drugs, except by a licensed pharmacist or physician to an adult person over 18 years of age;
- (9) Keeping, maintaining, or storing any explosives, flammable liquids or other hazardous materials or substances in amounts, or pursuant to a method, contrary to the provisions of this Code, state statutes, or any ordinance of this Township;

**DIVISION 2. DANGEROUS STRUCTURES**

**Section 3. Dangerous Buildings and Structures Prohibited.**

- A. General Prohibition. It shall be unlawful for any owner, tenant, lessee, agent of an owner, or other person in possession or control of property located in Superior Charter Township to allow, keep or maintain a dangerous building as defined in this ordinance.
- B. Notice and Appointment of Hearing Officer. Upon a determination by the Township Board, or the Township Supervisor designated enforcement person or agency, that a dangerous building exists, the Board, or the designated person or agency, shall issue a notice to the owner, agent, or lessee of the property that appears on the last local tax assessment records and to such other persons who are known to the Township to have an interest in the property, or who might be discovered upon a reasonable inquiry. The notice shall comply with all of the following:
  - (1) The notice shall state that the building or structure is a dangerous building and specify in what respects it is declared to be so.
  - (2) The notice shall fix a time and date upon which the owner, agent, or lessee shall have an opportunity to appear and show cause why the structure is not a dangerous building and why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
  - (3) The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.



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- (4) The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure.
- (5) The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.
- (6) A copy of the notice shall be filed with the hearing officer.

The Township Supervisor shall recommend and the Board shall appoint a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization as a hearing officer. The hearing officer shall not be an employee of the Township.

**C. Hearing; Testimony; Determination and Orders; Failure to Appear or Non-Compliance with Order; Enforcement; Reimbursement and Notice of Costs; Lien; Remedies.**

- (1) At the hearing prescribed by subsection (B) above, the hearing officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than 5 days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained. If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall enter an order that specifies what action the owner, agent, or lessee shall take and set a date by which the owner, agent, or lessee shall comply with the order. The order shall also specify the time within which such work shall be commenced and the necessary permits to be obtained by the owner, agent, or lessee. If the building is a dangerous building under Section 1(B)(10) of this Ordinance, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees, and shrubs.
  - (2) The Township Board shall set a date not less than 30 days after the show cause hearing for a hearing on the findings and order of the hearing officer. The Board shall give notice to the owner, agent, or lessee in the manner prescribed in subsection (B) of the time and place of the hearing. At the hearing, the owner,

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agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The Board shall either approve, disapprove, or modify the order. If the Board approves or modifies the order, it shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection. The Township Board may extend such period for good cause shown. For an order of demolition, if the Board determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this subsection. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.

- (3) If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under this section, the hearing officer shall file a report of the findings and a copy of the order with the Township Board not more than 5 days after the date for compliance set in the order and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in subsection (B) above.

D. Penalty. A person who fails or refuses to comply with an order approved or modified by the Board under this Section within the time prescribed is guilty of a misdemeanor punishable by imprisonment of not more than 90 days and a fine of not more than \$500.00, or both.

E. Appeal. The owner, agent, or lessee shall have the same right of appeal to circuit court for any final decision or order of the Township as is otherwise provided for under the statutes and laws of the State of Michigan.

F. Abatement. If, at the expiration of any time limit in the order, the owner, lessee, or agent has not complied with the requirements of the order, the Township may carry out the requirements of the order. The cost of such abatement shall be charged against the premises and the owner, lessee or agent thereof in accordance with the provisions of Sections 5, 6, and 7 of MCLA 125.541, and MCLA 125.541(a) which are hereby

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adopted and incorporated herein by reference, and such other provisions in this ordinance and law which may apply.

G. Emergency Abatement. The Township Supervisor may abate any such public nuisance, if the public safety requires immediate action, without preliminary order of the Township. Thereafter, the cost of abating such nuisance shall be charged against the premises and the owner of the premises in accordance with the provisions of subsection "F" above.

H. Other Remedies. Nothing contained in this division shall be construed to limit or abrogate the right of the Township to seek any other remedy permitted by law including, specifically, the right to seek abatement of any dangerous building or other nuisance through circuit court action.

**DIVISION 3. BLIGHT**

**Section 4. Blight Prohibited.**

A. Purpose. It is the purpose of this division to prevent, reduce or eliminate potential blight in the Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or may in the future exist in the Township.

B. Enforcement of Division. This division shall be enforced by such persons who shall be designated by the Township Supervisor.

C. Causes of Blight. It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the Township, owned, leased, rented or occupied by such person:

- (1) In any area, except where specifically permitted by zoning or other applicable ordinance, the storage upon any property of junk automobiles, junk motor-driven vehicles, trailers in disrepair, contractor's equipment in disrepair, or boat hulls in disrepair, except in a completely enclosed building. For the purpose of this division, the terms "junk automobiles," "junk motor-driven vehicles," "trailers in disrepair," "contractor's equipment in disrepair," or "boat hulls in disrepair" shall include any such article which is not licensed for use upon the highways of the state, or lakes and waterways, for a period

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in excess of 48 hours; and shall also include, whether so licensed or not, any of the above enumerated articles which are inoperative for any reason for a period in excess of 14 days.

- (2) In any area, except where specifically permitted by zoning or other applicable ordinance, the storage upon any property of building materials unless there is in force a valid building permit issued by the Township for construction upon such property, and the materials are intended for use in connection with such construction, except the temporary storage of building materials which are stored within an enclosed structure and are otherwise not of a nature to be unsightly or a cause of blight. Building materials shall include, but shall not be limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other material used in the construction of any structure.

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- (3) In any area, except specifically permitted by zoning or other applicable ordinance, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in a rodent proof receptacle, in such a manner as not to create a nuisance for a period not to exceed 30 days. The terms "junk" shall include parts of machinery or motor vehicles, unused stoves or other unused appliances stored in the open, remnants of wood, metal or other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.
- (4) In any area, the existence of any building or structure or part of any structure which is a dangerous building as defined by this ordinance.
- (5) In any area zoned for residential, commercial or office purposes, the existence of any vacant dwellings, garages or other outbuildings unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.
- (6) In any area, the existence of any partially completed structure, unless such structure is in the course of completion in accordance with a valid and subsisting building permit issued by the Township and unless such construction is completed within a reasonable time.
- (7) In any area, the existence of any tree or other growth infected by disease, injurious insects, or other dangerous condition that detrimentally affects other trees, plants, or growths, or otherwise detrimentally affects the public health, safety and welfare.

D. Notice. The owner, if possible, and the occupant of any property upon which the causes of blight or blighting factors set forth herein are found to exist, shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten days after service of the notice upon him. Such notice shall be served by certified mail addressed to the owner and occupant of the property where the blighting factor or cause exists. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

E. Violation. Failure to comply with such notice within the time allowed, by the owner and/or occupant shall constitute a violation of this division.

**Section 5. Penalty.** Except as otherwise provided for in this Ordinance, any person, corporation, or other legal entity, including an officer, director, or employee, who violates any provision of this Ordinance, or who shall fail to do what is required by the terms of the Ordinance, is responsible for a municipal civil infraction and

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shall pay a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus costs and attorney fees, and is subject to other sanctions as provided for under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL ' 600.8701 et. seq., as amended. Except as otherwise provided for herein, if a person admits responsibility at the Township Municipal Civil Infraction Violations Bureau, or is found responsible for a municipal civil infraction violation citation under this Ordinance, a civil fine shall be assessed as follows:

**1st offense** - Minimum fine of one hundred dollars (\$100.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees;

**1st repeat offense** - Minimum fine of two hundred dollars (\$200.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees;

**2nd repeat offense** - Minimum fine of three hundred dollars (\$300.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees.

For the purpose of this section, a repeat offense means a second or subsequent violation of the same requirement or provision of this Ordinance. Nothing in this section shall be interpreted as abrogating the Township's right to proceed with an appropriate equitable action in the Washtenaw County Circuit Court to enjoin and/or abate any violation of the terms of an Ordinance. Each day that a violation is permitted to continue shall constitute a separate offense. The imposition of a sanction for violation of this Ordinance shall not exempt the offender from compliance with the requirements of the Ordinance so violated.

**Section 6. Severability.** The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion hereof other than the part declared void or inoperable.

**Section 7. Repeal.** Ordinance provisions that are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed. This Ordinance specifically repeals and replaces Ordinance No. 138, as amended.

**Section 8. Savings Clause.** The repeal provided herein shall not abrogate or affect any offense committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution occurring prior to the effective date hereof.

**Section 9. Publication and effective date.** The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective as of the date of final publication of the Ordinance.

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**CERTIFICATE**

I, Kay Williams, Clerk of the Charter Township of Superior, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Superior Charter Township Ordinance No. 165, which was duly adopted for first reading by the Township Board of Superior Charter Township at a regular Meeting of said Board, held March 21, 2005, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

---

Kay Williams, Clerk  
Charter Township of Superior

Roll call vote:

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

Nays: None

Absent: Green

The motion carried.

**G. TREASURER CHARGE NSF FEES FOR RETURNED CHECKS**

Brenda McKinney, Township Treasurer, requested that the Board authorize her to charge a \$25.00 NSF (non-sufficient funds) check fee. She checked with other municipalities and \$25.00 is in line with other townships. The fees will be deposited in the General Fund.

It was moved by Caviston, supported by Lewis, that the Superior Charter Township Board authorize the Treasurer to charge a \$25.00 fee for check returned because of non-sufficient funds in the account, with the fees deposited in the General Fund.

The motion carried.

**H. ATTENDANCE AT ACO DEVELOPMENT, INC. vs. SUPERIOR TOWNSHIP SETTLEMENT CONFERENCE**

The settlement conference for the lawsuit, ACO vs. Superior, has been

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rescheduled for Tuesday, July 5, 2005, at 2:00 p.m. At the time of the notice of the original scheduled settlement conference, the Board authorized the Supervisor, Clerk and Treasurer to negotiate a settlement of behalf of the entire Board. The court has also set the trial date for Friday, September 9, 2005, at 9:00 a.m.

It was moved by Williams, supported by Lewis, that the Board receive the letter from Attorney Fred Lucas regarding the settlement and trial date for the ACO Development, Inc. vs. Superior Charter Township and further that the Board authorize the Supervisor, Clerk and Treasurer to negotiate a settlement of behalf of the entire Board.

Roll call vote:

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

Nays: None

Absent: Green

The motion carried.

**I. SWANSON CONTRACT FOR SIDESTREET  
MAINTENANCE**

Mr. Charles E. Swanson, a Township resident, has maintained the sides of the streets in Oakbrook and Washington Square Subdivisions for four years and has done an excellent job. He has submitted a bid to maintain the area for the same amount he charged in 2004.

It was moved by McKinney, supported by Caviston, that the Superior Charter Township Board authorize the Supervisor and Clerk to sign the contract with Charles E. Swanson to maintain the street-sides in Oakbrook and Washington Square subdivisions weekly for the 2005 summer season ending November 15, 2005, for \$13,400.00.

Roll call vote:

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

Nays: None

Absent: Green



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The motion carried.

**J. APPOINTMENTS TO WETLAND BOARD**

The terms of Sandi Lopez and Brenda Baker on the Wetlands Board expire on April 7. Both have volunteered to serve again.

It was moved by McKinney, supported by Lewis, that the Superior Charter Township Board reappoint Sandi Lopez, 6735 Vreeland Road, and Brenda Baker, 8512 Ashton Court, to the Superior Charter Township Wetlands Board for three-year terms ending April 7, 2008.

The motion carried unanimously.

**K. ASSESSOR'S PAY ADJUSTMENTS**

The importance of having a good Assessing Department was very apparent this year. The Assessors were able to capture over 70 million dollars in new taxable value. There also were fewer than 40 appointments for the Board of Review. This in part was the result of the assessing department having the personnel and equipment necessary to be successful. The near future growth doesn't appear to be letting up. Due to the location of Superior Township, we will continue to have more challenges in the Assessing Department in the coming years.

The Supervisor reviewed the pay scales of like positions in other communities. While Superior Township can not bring the pay scale to par, we can provide a little incentive to retain the current staff. Our employees have the background and experience to continue to serve the community. He proposed a modest salary adjustment for the two Level II Assessors as follows: Linda Blake, Level II License, Current Base Salary: \$31,500, proposed Base Salary: \$32,500; and Dino Lupi, Level II License, Current Base Salary: \$30,000, proposed Base Salary: \$32,500.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board concur with the recommendation of the Supervisor and approve the setting of the Base Salary for Level II Licensed Assessor at \$32,500.00 effective March 21, 2005.

The motion carried unanimously.

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**L. MERS RETIREMENT HEALTH SAVINGS PLAN  
RESOLUTIONS**

At the March 7, 2005, Board meeting the Board approved a Resolution to allow the Township employees to participate in the MERS Retirement Health Savings Plan. In order to officially join the Plan, three Resolutions need to be adopted by the Board.

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

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MARCH 21, 2005**

**A RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SIGN THE  
PARTICIPATION AGREEMENT FOR THE MERS HEALTH CARE SAVINGS  
PROGRAM DEFINED CONTRIBUTION PROGRAMS**

WHEREAS on March 7, 2005, the Superior Charter Township Board adopted a Resolution to join the MERS Health Care Savings Program for all full-time, non-union employees of the Township; and

WHEREAS specific documents need to be signed to join;

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board hereby authorizes the Supervisor to sign the Participation Agreement for the MERS Health Care Savings Program Defined Contribution Program:

**MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM HEALTH CARE  
SAVINGS PROGRAMS (HCSP) PARTICIPATION AGREEMENT**

**HCSP EMPLOYER**

Superior Charter Township  
3040 N. Prospect Road  
Ypsilanti, MI 48198  
(734 ) 482 - 6099  
Facsimile (734) 482-3842  
E-mail: susanmumm@superior-twp.org

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HCSP Coordinator: Susan Mumm, Human Resources Administrator

**COVERED EMPLOYEE GROUPS**

A participating Employer may cover all of its employee groups, bargaining units or personnel/employee classifications ("Covered Group"), in HCSP-DC Program Plan 1 or select from the listing below. Contributions shall be made on the same basis within each Covered Group identified by this agreement, and remitted as directed by the Program Administrator. If the Employer has varying coverage or contribution structures between groups, a separate agreement will need to be completed for each covered group. This agreement encompasses the group listed below:

All Eligible Employees within the following bargaining units) or personnel/employee classification(s): All regular, full-time, non-union employees, the Supervisor, Treasurer, Clerk and full-time appointed Deputy Treasurer and full-time appointed Deputy Clerk.

**ELIGIBLE EMPLOYEES**

Only Employees of a "municipality" may be covered by the HCSP Participation Agreement. Independent contractors may not participate in the HCSP-Defined Contribution Program Plan 1 or the HCSP-Defined Contribution Program Plan 2. Subject to other conditions in the HCSP Document and this Participation Agreement, the following Covered Group Employees are deemed to be "qualified persons" eligible to participate in the HCSP DC Program Plan 1 and/or Program Plan 2:

With respect to Covered Groups, this Participation Agreement covers those employees who are subject to the same personnel policy, according to the terms of the policy. Note: All employees covered by a personnel policy must be covered by HCSP if the policy provides for contributions to be made to the Trust.

All "Eligible Employees" under this agreement will also be covered under the HCSP-Defined Contribution Program Plan 2 as "qualified employees."

The Employer shall provide MERS with the name, address, Social Security Number, and date of birth for each Eligible Employee, as defined by the Participation Agreement on Employee Enrollment and Beneficiary Designation forms to be provided by MERS HCSP.

**EMPLOYER CONTRIBUTIONS  
TO THE HCSP-DEFINED CONTRIBUTION PROGRAM PLAN 1**

The Participating Employer hereby elects to make contributions to the HCSP-Defined Contribution Program Plant Trust. Contribution Examples are provided on page

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7 to assist in the choice of the contribution structure. Once you have determined the contribution structure, language should be added in the appropriate area below. Contributions shall be made on the same basis within each Covered Group specified in this agreement, and remitted to MERS as directed by the Program Administrator along with the Participation Report, to be credited to the individual accounts of Eligible Employees as follows:

**Basic Employer (Before-Tax) Contributions**

These employer contributions may be made as a percentage of salary and/or by a specified dollar amount. Identify below the basic employer contribution formula to be applied to the covered groups within the HCSP-Defined Contribution Program Plan I and/or Program Plan 2, if applicable, identified in this agreement.

Contribution structure: Beginning January 2006: \$100.00/month per employee as outlined in Attachment A. For fiscal year 2005: Plan Start-up money as outlined in Attachment B

**Mandatory Salary Reduction (Before-Tax) Contributions**

Before-tax Employer Contributions to the HCSP-Defined Contribution Program Plan I Trust shall be made that represent a mandatory salary reduction resulting from collective bargaining or the establishment of a personnel policy. These reductions may be made as a percentage of salary or a specific dollar amount.

Contribution structure: 2% of regular pay, overtime, education and longevity bonuses beginning the first payroll in May 2005.

**MODIFICATION OF THE TERMS OF THE PARTICIPATION AGREEMENT**

If a Participating Employer desires to amend any of its previous elections contained in this Participation Agreement, including attachments, the Governing Body by official action must adopt a new Resolution and Participation Agreement and forward it to the Board for approval. The amendment of the new Participation Agreement is not effective until approved by the Board and other procedures required by the HCSP Plan have been implemented.

**STATE LAW**

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To the extent not preempted by federal law, this agreement shall be interpreted in accordance with Michigan law.

**TERMINATION OF THE PARTICIPATION AGREEMENT**

This Participation Agreement may be terminated only in accordance with the HCSP Document.

**EXECUTION BY GOVERNING BODY OF MUNICIPALITY**

The foregoing Participation Agreement is hereby adopted and approved by the Superior Charter Township Board on the 21<sup>st</sup> day of March, 2005.

**GOVERNING BODY**

Charter Township of Superior

---

William McFarlane  
Superior Charter Township Supervisor

---

date

**Attachment A**

Superior Township MERS Health-Care Savings Plan Participation Agreement

The Employer contributions to the plan shall be subject to the following vesting schedule:

<u>Employee's Service</u>	<u>Vested Percentage</u>
Prior to six years of full-time employment	0%
Six years but less than nine years of full-time employment	25%

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Nine years but less than twelve years of full-time employment	50%
Twelve years but less than fifteen years of full-time employment	75%
Fifteen or more years of full time employment	100%

**ATTACHMENT B**

**Superior Township MERS Health-Care Savings Plan Participation Agreement**

All full-time employees currently employed as of March 21, 2005 shall have Plan Start-Up money deposited into their MERS Health-Care Savings Plan according to the following schedule upon signing the Release and Settlement Agreement (Attachment C).

This is a one-time deposit for current employees only.

\$1,200.00 per year for years of service one through fourteen.

\$8,000 per year for years of service fifteen through nineteen.

\$11,000 per year for years of service twenty and above.

**This Start-Up money is subject to the following vesting schedule:**

<u>Employee's Service</u>	<u>Vested Percentage</u>
Prior to six years of full-time employment	0%
Six years but less than nine years of full-time employment	25%
Nine years but less than twelve years of full-time employment	50%
Twelve years but less than fifteen years of full-time employment	75%
Fifteen or more years of full time employment	100%

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**ATTACHMENT C**

**Superior Township MERS Health-Care Savings Plan Participation Agreement**

**RELEASE AND SETTLEMENT AGREEMENT**

**THIS RELEASE AND SETTLEMENT AGREEMENT** is made this \_\_\_ day of \_\_\_\_\_, 2005, by and between Superior Charter Township (“Township”) and \_\_\_\_\_ (“Employee”).

**WITNESSETH:**

WHEREAS, by resolution passed on October 6, 2003 and revised on January 20, 2004, the Township established a Retirement HealthCare Benefits program (the “2003 Program”) for the benefit of certain of its employees, including the Employee; and

WHEREAS, the Township has determined that the 2003 Program has created unanticipated problems regarding long term financial liabilities, budgeting and financial reporting; and

WHEREAS, the Township has rescinded its resolution establishing the 2003 Program and adopted a resolution to establish a Health Care Savings Plan (the “MERS Plan”) with the Municipal Employees Retirement System (“MERS”) to replace the 2003 Program; and

WHEREAS, the Township desires to provide Employee certain “Start-Up Money” under the MERS Plan as provided below, in consideration for any rights Employee may have under the 2003 Program; and

WHEREAS, Employee is willing to settle all issues arising due to the Township’s rescission of the 2003 Program and to release the Township in exchange for the Township’s contribution of Money to the Start-Up MERS Plan on the Employee’s behalf.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the parties hereto agree as follows:

1. The Township hereby agrees within 30 days of the Employee’s delivery to Township of this executed Agreement, to deposit with MERS in Employee’s name, the

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amount of \_\_\_\_\_ dollars (\$\_\_\_\_\_) as Start-Up Money in lieu of providing Employer any benefits under the 2003 Program.

Employee acknowledges that the Employee has been provided a copy of the MERS Plan and the opportunity to review the Plan, which Plan set forth the Employee’s rights to the Start-Up Money.

The Employee further acknowledges that the amount of Start-Up Money was determined based on the number of years of service of the Employee from the day the Employee began full-time regular employment with the Township, through December 31, 2005.

The Employee further acknowledges that the Start-Up Money is subject to the following vesting schedule:

<u>Employee’s Service</u>	<u>Vested Percentage</u>
Prior to six years of full-time employment	0%
Six years but less than nine years of full-time employment	25%
Nine years but less than twelve years of full-time employment	50%
Twelve years but less than fifteen years of full-time employment	75%
Fifteen or more years of full time employment	100%

The Township agrees that it has retained no right to modify the foregoing vesting schedule as respects the Start-Up Money.

2. Employee hereby unconditionally releases and forever discharges the 2003 Program, the Township, its Board of Trustees and their predecessors, successors, employees, agents, fiduciaries and assigns, from, and covenants not to sue them for, any and all causes of action, suits, damages, claims, demands, accounts, judgments, liens, promises, liabilities and controversies whatsoever (including cost of collection and attorney fees), which Employee ever had or now has against the 2003 Program, the Township, its Board of Trustees, and their predecessors, successors, employees, agents, fiduciaries and assigns, directly or indirectly, whether known or unknown, arising out of or related in any manner whatsoever to the 2003 Program, including, but not limited to,



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any breach of contract claims, common law tort claims, claims of discrimination, claims for benefits, and claims which Employee may have under or in connection with any and all local, state or federal ordinances, statutes or common law. The Employee agrees that this Release and Settlement Agreement shall be binding on the Employee's heirs, successors and assigns.

3. The parties further agree that the acts evidenced hereby, and the relief granted hereunder are done and granted to compromise doubtful and disputed claims and are not an admission of liability on the part of any party, by whom liability has been and is expressly denied.

4. This Release and Settlement Agreement constitutes the entire agreement of the Township and the Employee relative to the subject matter hereof, and supersedes all prior or contemporaneous oral or written understandings, statements, representations or promises.

5. This Release and Settlement Agreement shall be construed and governed in accordance with the laws of the State of Michigan, without regard to its conflict of laws principles.

6. This Release and Settlement Agreement may be executed in counterpart, each of which shall constitute an executed original and all of which together shall constitute one and the same document.

7. The Employee certifies that this Agreement is fully understood by the Employee, is entirely satisfactory to the Employee, and that the Employee's signing of this Agreement is the Employee's own free and informed act and deed.

8. The Employee acknowledges that the Employee has reviewed this Agreement with an attorney of the Employee's choosing or, having been given an adequate opportunity to do so (30 days), has chosen not to review the Release and Settlement Agreement with an attorney, and agrees that the settlement is fair and that it is in the Employee's best interests to accept the settlement in consideration for the benefits provided to Employee under the MERS Plan.

**IN WITNESS WHEREOF**, the Employee has executed this Release and Settlement Agreement and the Township has caused this Release and Settlement Agreement to be executed by its duly authorized representatives as of the date first written above.

In the Presence of:

**EMPLOYEE**

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\_\_\_\_\_  
\_\_\_\_\_

**SUPERIOR CHARTER TOWNSHIP**

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

\_\_\_\_\_ Its:  
\_\_\_\_\_

STATE OF MICHIGAN     )  
  )SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_ day of \_\_\_\_\_, 2005, before me personally appeared the Employee, who being duly sworn stated that the execution of the foregoing Agreement by the Employee was the Employee's own free act and deed.

\_\_\_\_\_ Notary Public: \_\_\_\_\_  
\_\_\_\_\_ County,  
Michigan

My Commission Expires:  
\_\_\_\_\_

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
MARCH 21, 2005**

**A UNIFORM RESOLUTION ADOPTING THE MERS HEALTH CARE  
SAVINGS PROGRAM: DEFINED CONTRIBUTION PROGRAM PLAN 1  
(EXCLUDING PLANS GOVERNED BY INTERNAL REVENUE CODE**

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**SECTION 401(H))**

**WHEREAS**, the Municipal Employees' Retirement System (."MERS") Plan Document of 1996, effective October 1, 1996, authorized the Municipal Employees' Retirement Board ("Board") to establish additional programs including but not limited to defined benefit and defined contribution program (MERS Plan Document Section 36(2)(a)); MCL 38.1536(2)(a));

**WHEREAS**, the Board has authorized MERS' establishment of the health care savings program ("HCSP" or "Program"), which a participating municipality or court, or another eligible public employer that is a political subdivision of the State which constitutes a "municipality" under MERS Plan Document Section 2B( 4); MCL 38.1502b(2) ("Eligible Employer"), may adopt for its Eligible Employees;

**WHEREAS**, the Board has established a governmental trust (the "Trust Fund") to hold the assets of the HCSP, which Trust Fund shall be administered under the discretion of the Board as fiduciary, directly by (or through a combination of) MERS or MERS' duly-appointed Program Administrator;

**WHEREAS**, 1999 PA 149, the Public Employee Health Care Fund Investment Act, MCL 38.1211 *et seq.* ("PA 149") provides for the creation by a public corporation of a public employee health care fund, and its administration, investment, and management, in order to accumulate funds to provide for the funding of health benefits for retirees and beneficiaries;

**WHEREAS**, a separate MERS health care trust fund created under P A 149 also constitutes a governmental trust established by a public corporation ("municipality") as an Eligible Employer, provided that all such employers shall be the State of Michigan, its political subdivisions, and any public entity the income of which is excluded from gross income under Section 115 of the Internal Revenue Code; provided further, that the P A 149 trust shall not accept assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code;

**WHEREAS**, adoption of this Uniform Resolution and Participation Agreement (the "Uniform Resolution") by each Eligible Employer is necessary and required in order that the benefits available under the MERS HCSP-Defined Contribution Program Plan I may be extended;

It is expressly agreed and understood as an integral and nonseverable part of extension or continuation of coverage under this HCSP Resolution that Section 43B of the MERS Plan Document shall not apply to this Uniform Resolution Adopting MERS HCSP-Defined Contribution Program Plan 1, the Participation Agreement, the HCSP Document, the Trust Agreement, and their administration or

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interpretation.

In the event any alteration of the language, terms or conditions stated in this Uniform Resolution Adopting MERS HCSP-Defined Contribution Program Plan is made or occurs, under MERS Plan Document Section 43B or other plan provision or other law, it is expressly recognized that MERS and the Board, as fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty: to administer (or to have administered) the HCSP Trust; or to continue administration by the Program Administrator or by MERS directly.

**WHEREAS**, concurrent with this HCSP-Defined Contribution Program Plan 1 Uniform Resolution, and as a continuing obligation, this governing body has completed, approved, and submitted to MERS documents necessary for participation in and implementation of the HCSP Defined Contribution Program Plan 1. This obligation applies to any documents deemed necessary to the operation of the HCSP Trust by the Program Administrator;

**NOW, THEREFORE, BE IT RESOLVED** that the governing body adopts (or readopts) the MERS HCSP- Defined Contribution Program Plan 1 as provided below.

**SECTION 1. HCSP PROGRAM PLAN 1 PARTICIPATION**

**EFFECTIVE** March 21, 2005, the MERS HCSP-Defined Contribution Program Plan 1 is hereby adopted by the Charter Township of Superior to commence on May 1, 2005.

**CONTRIBUTIONS.** Basic Employer contributions, Mandatory Salary Reduction Contributions, Mandatory Leave Conversion Contributions, and Post-tax Employee Contributions, shall be remitted pursuant to MERS by the Eligible Employer, and credited to the Eligible Employer's separate fund within the MERS HCSP Trust Fund. Employer contributions may be made as a percentage of salary and/or by a specified dollar amount.

**INVESTMENT** of funds accumulated and held in the Health Care Savings Program Trust Fund shall be held in a separate reserve and invested on a pooled basis by MERS subject to the Public Employee Retirement System Investment Act ("PERSIA"), 1965 PA 314, as provided by MERS Plan Document Section 39; MCL 38.1539, and PA 149.

**THE ELIGIBLE EMPLOYER** shall abide by the terms of the HCSP-Defined Contribution Program Plan 1, including all investment, administration, and service agreements, and all applicable provisions of the Code and other law. It is affirmed that no

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assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code shall be transferred to, or accepted by, MERS.

**SECTION 2. IMPLEMENTATION DIRECTIONS FOR MERS AS HCSP  
INVESTMENT FIDUCIARY AND TRUSTEE**

(A) The governing body of this Eligible Employer desires that all assets placed in its MERS HCSP Trust Fund-Defined Contribution Program Plan I (as a sub-fund within all pooled HCSP trust funds with MERS) be administered by MERS, which shall act as investment fiduciary with all powers provided under Public Employee Retirement System Investment Act, pursuant to P A 149, all applicable provisions of the Internal Revenue Code and other relevant law.

(B) The governing body desires, and MERS upon its approval of this Resolution agrees, that all funds accumulated and held in the MERS HCSP Trust Fund shall be invested and managed by MERS within the collective and commingled investment of all HCSP funds held in trust for all Eligible Employers.

(C) All monies in the MERS HCSP Trust Fund (and any earnings thereon, positive or negative) shall be held and invested for the sole purpose of paying health care benefits for the exclusive benefit of "Eligible Employees" who shall constitute "qualified persons" who have retired or separated from employment with the Eligible Employer, and for any expenses of administration, and shall not be used for any other purpose, and shall not be distributed to the State.

(D) The Eligible Employer will fund on a defined contribution, individual account, basis its MERS HCSP Trust sub-fund to provide funds for health care benefits for "Eligible Employees" who shall constitute "qualified persons." Participation in and any coverage under HCSP-Defined Contribution Program Plan 1 shall not constitute nor be construed to constitute an "accrued financial benefit" under Article 9 Section 24 of the Michigan Constitution of 1963.

(E) The Eligible Employer designates and incorporates as "Eligible Employees" who shall constitute "qualified persons" under this Defined Contribution Program Plan 1 Resolution those who are "Eligible Employees as defined in the HCSP Participation Agreement under this HCSP-Defined Contribution Program Plan 1.

(F) The Human Resources Administrator shall be the Eligible Employer's HCSP Coordinator; shall designate in writing the "qualified persons" on whose behalf trust fund monies shall be made available under any MERS (or non-MERS) retiree health care benefit program, including, but not limited to, MERS HCSP, or MERS Premier Health; receive necessary reports, notices, etc.; shall act on behalf of the Eligible Employer; and may delegate any administrative duties relating to the Fund to appropriate departments.

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**SECTION 3. EFFECTIVENESS OF THIS HCSP DEFINED CONTRIBUTION  
PROGRAM PLAN 1 UNIFORM RESOLUTION**

This Resolution shall have no legal effect until a certified copy of this adopting Resolution shall be filed with MERS, and MERS determines that all necessary requirements under MERS Plan Document Section 36(2)(a), 1999 PA 149 and other relevant laws, and this Resolution have been met. Upon MERS' determination that all necessary documents have been submitted, MERS shall record its formal approval upon this Resolution, and return a copy to the Eligible Employer's HCSP Coordinator as identified above.

In the event an amendatory resolution or other action by the Eligible Employer is required by MERS, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred in by this governing body and MERS (and the Program Administrator if necessary). Section 54 of the MERS Plan Document shall apply to this Resolution and all acts performed under its authority. The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

**I hereby certify that the above is a true copy of the Uniform Resolution Adopting The MERS Health Care Savings Program: Defined Contribution Program Plan 1, adopted at the official meeting held by the governing body of this municipality on March 21, 2005.**

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William McFarlane, Supervisor

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Kay Williams, Clerk

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
MARCH 21, 2005**

**A UNIFORM RESOLUTION ADOPTING THE MERS HEALTH CARE  
SAVINGS PROGRAM: DEFINED CONTRIBUTION PROGRAM PLAN 2**

**(EXCLUDING PLANS GOVERNED BY INTERNAL REVENUE CODE SECTION 401(H))**

**WHEREAS**, the Municipal Employees' Retirement System ("MERS") Plan Document of

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1996, effective October 1, 1996, authorized the Municipal Employees' Retirement Board ("Board") to establish additional programs including but not limited to defined benefit and defined contribution program (MERS Plan Document Section 36(2)(a)); and the Municipal Employees Retirement Act of 1984, Section 36(2)(a) as amended by 1996 PA 220, MCL 38.1536(2)(a));

**WHEREAS**, the Board has previously authorized MERS' establishment of a health care savings program ("HCSP" or "Program"), which a participating municipality or court, or another eligible public employer that is a political subdivision of the State which constitutes a "municipality" under MERS Plan Document Section 2B(4); MCL 38.1502b(2) ("Eligible Employer"), may adopt for its Eligible Employees;

**WHEREAS**, the Board has established a governmental trust under Section 115 of the Internal Revenue Code (the "Trust Fund") to hold the assets of the HCSP, which Trust Fund shall be administered under the discretion of the Board as fiduciary, directly by (or through a combination of) MERS or MERS' duly-appointed Program Administrator;

**WHEREAS**, 1999 P A 149, the Public Employee Health Care Fund Investment Act, MCL 38.1211 *et seq.* ("PA 149") provides for the creation by a public corporation of a public employee health care fund, and its administration, investment, and management, in order to accumulate funds to provide for the funding of health benefits for retirees and beneficiaries;

**WHEREAS**, a separate MERS health care trust fund created under P A 149 also constitutes a governmental trust established by a public corporation ("municipality") as an Eligible Employer, provided that all such employers shall be the State of Michigan, its political subdivisions, and any public entity the income of which is excluded from gross income under Section 115 of the Internal Revenue Code; provided further, that the P A 149 trust shall not accept assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code;

**WHEREAS**, adoption of this Uniform Resolution (the "Uniform Resolution") by the Eligible Employer is necessary and required in order that the benefits available under the MERS Health Care Savings Program-Defined Contribution Program Plan 2 may be extended;

**WHEREAS**, this Uniform Resolution has been approved by the Board under the authority of 1996 PA 220, MERS Plan Document Section 36(2)(a), MCL 38.1536(2)(a), declaring that the Board "shall determine. . . and establish" all provisions of the retirement system. The MERS P A 149 Health Care Trust Fund shall not be implemented with respect to any Eligible Employer unless in strict compliance with the terms and conditions of this Resolution, the HCSP Document, and Trust Agreement.

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It is expressly agreed and understood as an integral and nonseverable part of extension or continuation of coverage under this Uniform Resolution Adopting MERS HCSP-Defined Contribution Program Plan 2 that Section 43B of the MERS Plan Document shall not apply to this Uniform Resolution, its administration or interpretation.

In the event any alteration of the language, terms or conditions stated in this Uniform Resolution Adopting MERS HCSP-Defined Contribution Program Plan 2 is made or occurs, under MERS Plan Document Section 43B or other plan provision or other law, it is expressly recognized that MERS and the Board, as fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty: to administer (or to have administered) the MERS HCSP or its Trust Fund; or to continue administration.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body adopts the MERS HCSP-Defined Contribution Program Plan 2 as provided below.

**SECTION 1. MERS PROGRAM PLAN 2 PARTICIPATION**

**EFFECTIVE** March 21, 2005, the MERS HCSP-Defined Contribution Program Plan 2 is hereby adopted by the Charter Township of Superior, the Plan to commence on 5/1/05.

**CONTRIBUTIONS.** Basic Employer (Before-Tax) contributions shall be remitted to MERS by the Eligible Employer, and credited to the Eligible Employer's separate fund within the MERS HCSP Trust Fund. No employee post-tax contributions are allowed. Employer contributions may be made as a percentage of salary and/or as a specified dollar amount as specified in the Participation Agreement.

**FORFEITURE PROVISION.** Upon separation from the service with the Employer prior to meeting any HCSP-Defined Contribution Program Plan 2 required vesting schedule, or upon Death of the Participant, prior to meeting any Plan 2 required vesting schedule, a Participant's account assets shall remain in the HCSP-Defined Contribution Program Plan 2 sub-trust to be used to offset future Employer Contributions.

**INVESTMENT** of funds accumulated and held in the Health Care Savings Program Trust Fund shall be held in a separate reserve and invested on a pooled basis by MERS subject to the Public Employee Retirement System Investment Act ("PERSIA"), 1965 P A 314, as provided by MERS Plan Document Section 39; MCL 38.1539, and PA 149.



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**THE ELIGIBLE EMPLOYER** shall abide by the terms of MERS HCSP-Defined Contribution Program Plan 2, including all investment, administration, and service agreements, and all applicable provisions of the Code and other law. It is affirmed that no assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code shall be transferred to, or accepted by, MERS.

**SECTION 2. IMPLEMENTATION DIRECTIONS FOR MERS AS HCSP  
INVESTMENT FIDUCIARY AND TRUSTEE**

- (A) The governing body of this Eligible Employer desires that all assets placed in its MERS HCSP Trust Fund-Defined Contribution Program Plan 2 (as a sub-fund within all pooled HCSP trust funds with MERS) be administered by MERS, which shall act as investment fiduciary with all powers provided under Public Employee Retirement System Investment Act, pursuant to P A 149, all applicable provisions of the Internal Revenue Code and other relevant law.
- (B) The governing body desires, and MERS upon its approval of this Resolution agrees, that all funds accumulated and held in the MERS HCSP Trust Fund shall be invested and managed by MERS within the collective and commingled investment of all HCSP funds held in trust for all Eligible Employers.
- (C) All monies in the MERS HCSP Trust Fund (and any earnings thereon, positive or negative) shall be held and invested for the sole purpose of paying health care benefits for the exclusive benefit of "Eligible Employees" who shall constitute "qualified persons" who have retired or separated from employment with the Eligible Employer, and for any expenses of administration, and shall not be used for any other purpose, and shall not be distributed to the State.
- (D) The Eligible Employer will fund on a defined contribution, individual account, basis its MERS HCSP Trust sub-fund to provide funds for health care benefits for "Eligible Employees" who shall constitute "qualified persons." Participation in and any coverage under HCSP-Defined Contribution Program Plan 2 shall not constitute nor be construed to constitute an "accrued financial benefit" under Article 9 Section 24 of the Michigan Constitution of 1963.
- (E) The Eligible Employer designates and incorporates as "Eligible Employees" who shall constitute "qualified persons" under this Defined Contribution Program Plan 2 Resolution those who are "Eligible Employees" as defined in the HCSP Participation Agreement under HCSP-Defined Contribution Program Plan 1.
- (F) The Human Resources Administrator shall be the Eligible Employer's HCSP Coordinator; shall designate in writing the "qualified persons" on whose behalf trust fund monies shall be made available under any MERS (or non-MERS) retiree health care benefit program,

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including, but not limited to, MERS HCSP, or MERS Premier Health; receive necessary reports, notices, etc.; shall act on behalf of the Eligible Employer; and may delegate any administrative duties relating to the Fund to appropriate departments.

**SECTION 3. EFFECTIVENESS OF THIS RESOLUTION**

This Resolution shall have no legal effect until a certified copy of this adopting Resolution shall be filed with MERS, and MERS determines that all necessary requirements under MERS Plan Document Section 36(2)(a), 1999 PA 149 and other relevant laws, and this Resolution have been met. Upon MERS' determination that all necessary documents have been submitted, MERS shall record its formal approval upon this Resolution, and return a copy to the Eligible Employer's HCSP Coordinator as identified above.

In the event an amendatory resolution or other action by the Eligible Employer is required by MERS, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred in by this governing body and MERS (and the Program Administrator if necessary). Section 54 of the MERS Plan Document shall apply to this Resolution and all acts performed under its authority. The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

**I hereby certify that the above is a true copy of the Uniform Resolution Adopting The MERS Health Care Savings Program: Defined Contribution Program Plan 2, adopted at the official meeting held by the governing body of this municipality:**

March 21, 2005

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William McFarlane, Supervisor

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Kay Williams, Clerk

Roll call vote:

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

Nays: None

Absent: Green

The motion carried.

**M. BUDGET AMENDMENTS – FIRE FUND AND PARK FUND**

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board amend the 2005 Fire Fund Budget and the 2005 Park Fund Budget as follows:

Fire Fund:

Increase the following items:

206-000-393-050	Accrued Absences Reserve	\$11,000.00
206-336-717-033	Benefit Cash Out Days	10,000.00
206-000-699-000	Appropriation/ Fund Balance	10,000.00

Decrease the following item:

206-000-390-000	Fund Balance	\$11,000.00
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Park Fund:

Increase the following item:

508-000-390-030	Accrued Absences Reserve	\$5,440.38
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Decrease the following item:

508-000-390-000	Fund Balance	\$5,440.38
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Roll call vote:

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

Nays: None

Absent: Green

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The motion carried.

**N. ARBOR HILLS ROADS – NO CURB & GUTTER AND  
ENTRANCE ON PLYMOUTH ROAD**

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

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
MARCH 21, 2005**

**A RESOLUTION TO APPROVE THE RURAL LOCAL &  
RESIDENTIAL CROSS-SECTION WITH OPEN-DITCH GRADING  
AND THE ACCESS ROAD LOCATION FOR THE ARBOR HILLS  
CONDOMINIUM SITE**

WHEREAS, Arbor Hills Condominium Area Plan was approved by the Board of Trustees and re-zoned to PC on December 20, 2004; and

WHEREAS, the Arbor Hills Condominium Preliminary Site Plan was approved by the Planning Commission on February 23, 2005; and

WHEREAS, the development is in accordance with the adopted Growth Management Plan, is outside of the Township's current or future urban district, and fits in well with the surrounding land use; and

WHEREAS, the existing Fleming Creek Road in the subdivision to the west known as Ford Road Estates, with which the new development connects, is constructed with a road cross-section consisting of open-ditch drainage; and

WHEREAS, after careful review and the consideration of Superior Charter Township staff and consultants, the Township approves of the proposed layout of the site; and

WHEREAS, the proposed location of the access road called Northbrooke Drive on Ford Road is in accordance with the requirements of the MDOT Access Management Guide Book; and

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WHEREAS, the Land Developer, Silverman, has requested a variance of the WCRC requirement of a road cross-section with curb and gutter, and an enclosed drainage system (Urban Residential Cross-Section); and

WHEREAS, the Township promotes a contiguous, interconnected road network to improve access, safety, and reliability; and

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board approves the "WCRC Rural Local & Residential Cross-Section" and the location of the proposed access road off Plymouth Road called Northbrooke Drive for Arbor Hills Condominium.

THE RESOLUTION WAS DECLARED ADOPTED.

**CERTIFICATION**

I, Kay Williams, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Superior Charter Township Board held on March 21, 2005.

Kay Williams, Superior Charter Township Clerk

Roll call vote:

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

Nays: None

Absent: Green

The motion carried.

**11. PAYMENT OF BILLS**

It was moved by Caviston, supported by McKinney, that the bills be paid in the following amounts: Utility Fund - \$2,453.00 for a total of \$2,453.00.

The motion carried.

**12. PLEAS AND PETITIONS**

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There were none.

**13. ADJOURNMENT**

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

The motion carried and the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Kay Williams, Clerk