

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
APRIL 2, 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 April 2, 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, Nancy Caviston, Lisa Lewis, and David Phillips. Brenda McKinney and Rodrick Green were absent.

4. ADOPTION OF AGENDA

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

The motion carried.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF MARCH 19, 2007

It was moved by Caviston, supported by Lewis, to approve the minutes of the regular Board meeting of March 19, 2007, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

Caviston noted that the communication from ParPlan News stated that the insurance company needed to replace a fire truck in another community because the water shifted as the truck was turning a corner and caused the truck to crash. She was concerned that it did not happen here.

7. REPORTS

A. SUPERVISOR

The Supervisor reported on six items:

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1. ACO is appealing the summary disposition of their lawsuit.
2. The economy is not good in Michigan and home prices are falling but assessments are rising because they are figured on the CPI (Consumer Price Index). McFarlane wants to send a resolution to the Governor and Legislature requesting that the State freeze the CPI for property taxes next year. The Board agreed and a resolution will be drafted for the April 16 meeting.
3. The road committee, Ellen Kurath, David Zelisse, and McFarlane, toured the Township roads with Eric Long, Road Commission Foreman, last week. The roads are in bad shape. A proposed road program and budget will be presented to the Board at the next meeting. Dust control will cost approximately \$75,000.00 out of the \$240,000.00 allocated in the 2007 General Fund Budget.
4. McFarlane has received two bids for the Regional Police Study. He will be meeting with the other eight communities to determine which to hire. The lowest cost will be approximately \$54,400 divided among the nine communities.
5. A new severe weather warning siren has been constructed on Dixboro Road just south of Plymouth Road in the road right-of-way. It is not ours, we are not paying for it, but it will help the Dixboro residents.
6. The Washtenaw County Planning Department is hosting a seminar on PDR on April 30 if Board members want to attend.

B. DEPARTMENT REPORTS: OHM, PARK COMMISSION MINUTES

It was moved by Caviston, supported by Williams, that the OHM Monthly Update for March and the Park Commission Minutes for February 26, 2007, be received.

Phillips noted that most of the Township projects are nearly complete.

The motion carried.

8. COMMUNICATIONS

A. DETROIT WATER AND SEWERAGE DEPARTMENT – RATES AND CHARGES

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The City of Detroit Water and Sewerage Department is changing the rates and charges effective on August 1, 2007. The new rate charged to YCUA is \$10.36 per Mcf.

It was moved by Caviston, supported by Phillips, that the Superior Charter Township Board receive the letter from the City of Detroit Water and Sewerage Department regarding the new rate effective August 1, 2007.

The motion carried.

9. UNFINISHED BUSINESS

A. REVISE THE POLICY ON COMMUNICATION WITH THE MEDIA

After the policy on communicating with the media was adopted at the last Board meeting, it came to our attention that the Fire Department reports activity to the media on a daily basis, the Utility Department reports water and sewer emergencies as well as public service announcements, and there may be other times when department heads will need to respond to the media.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board amend the policy to read as follows:

SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
APRIL 2, 2007

A POLICY ON COMMUNICATING WITH THE MEDIA

WHEREAS the media, i.e. newspapers, radio, television reporters, etc, often call for information concerning events or items dealing with the Township; and

WHEREAS often employees do not have full knowledge of the situation;

NOW, THEREFORE, BE IT RESOLVED that all requests for information from the media concerning matters pertaining to Superior Charter Township shall be addressed by an elected official with the following exceptions:

1. The Fire Chief and Captains may report and answer questions pertaining to fires, rescues, emergencies. etc.,

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2. The Utility Department may issue emergency warnings and public service announcements pertaining to water and sewer service,
3. The Administrative Staff may authorize department heads to respond to a request for information on a case-by-case basis.

Roll call vote:

Ayes: McFarlane, Williams, Caviston, Lewis, Phillips

Nays: None

Absent: McKinney, Green

The motion carried.

10. NEW BUSINESS

A. AMENDMENT TO INTERLOCAL AGREEMENT FOR FIRE SERVICE MUTUAL AID

Five years ago, April 2, 2002, the Board adopted a Resolution to become a part of the Western Wayne County Fire Department Mutual Aid Association which provides cooperation between political subdivisions for fire protection, fire suppression, emergency medical services and hazardous incident response. The City of Belleville and Sumpter Township would now like to join so the agreement must be amended to include them. The Association would also like to provide for a Special Operations Group, recognize the favorable IRS ruling on the Federal tax status, and to remove the provision regarding Fire Services being provided without costs.

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

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
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INTERLOCAL AGREEMENT RESOLUTION

WHEREAS, the Superior Charter Township is a Michigan Charter Township;
and

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WHEREAS, Superior Charter Township has the power, privilege and authority to maintain and operate a fire department providing fire protection, fire suppression, emergency medical services, and special operations (“Fire Services”); and

WHEREAS, Fire Services can further be improved by cooperation between political subdivisions during times of public emergency, conflagration or disaster; and

WHEREAS, the Michigan Constitution of 1963, Article 7, § 28 and the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex. Sess., being MCL 124.501 et seq. of the Michigan Compiled Laws (the “Cooperation Act”), permit a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common and which each might exercise separately; and

WHEREAS, the Western Wayne County Fire Department Mutual Aid Association (the “Association”) has been formed as a separate legal entity Michigan public body corporate under the Cooperation Act pursuant to an Interlocal Agreement effective March 24, 2003; and

WHEREAS, the Association is governed by an Association Board; and

WHEREAS, Superior Charter Township is a party to the Interlocal Agreement; and

WHEREAS, the Association received a ruling from the Internal Revenue Service (IRS) that the Association’s income is excludable from gross income under Section 115(1) of the Internal Revenue Code of 1986, as amended, or corresponding provisions of any future tax code; and

WHEREAS, it is desirous to amend the Interlocal Agreement to: (i) add City of Belleville as a party; (ii) to add Sumpter Township as a party; (iii) to provide for a Special Operations Group (SOG) and a SOG Constitution to include rules and procedures of the SOG; and (iv) to recognize the favorable IRS ruling on Federal tax status of the Association (collectively the “Amendments”); and (v) to remove provision regarding Fire Services being provided without cost; and

WHEREAS, the Amendments have been approved by the Association Board; and

WHEREAS, the Cooperation Act and/or the Interlocal Agreement require an amendment to the Interlocal Agreement to be approved by all the parties to the Interlocal Agreement; and

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NOW, THEREFORE, IT BE RESOLVED, that:

1. The Superior Charter Township does hereby approve the attached “Amended and Restated Interlocal Agreement” subject, if necessary, to technical, typographical, or non-substantial modifications approved by legal counsel before the Effective Date of the Amended and Restated Interlocal Agreement.
2. The Superior Charter Township authorizes its duly designated officials or officers to sign the Amended and Restated Interlocal Agreement.

Roll call vote:

Ayes: McFarlane, Williams, Caviston, Lewis, Phillips

Nays: None

Absent: McKinney, Green

The motion carried.

B. AMENDMENT TO HEALTH CARE SAVINGS PLAN

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

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

WHEREAS Shaun Bach and Jeff French wish to amend their deduction amount in their 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 Shaun Bach and Jeff French be amended as follows:

Shaun Bach - Change from Option 2 with a 4% deduction to Option 3

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with a 6% deduction

Jeff French - Change from Option 1 with a 2% deduction to Option 1 with a 3% deduction.

Roll call vote:

Ayes: McFarlane, Williams, Caviston, Lewis, Phillips

Nays: None

Absent: McKinney, Green

The motion carried.

C. PARK COMMISSION – PURCHASE OF TORO MOWER

The Park Commission requested the Board's approval to purchase a Toro Groundsmaster 328-D 4WD commercial lawnmower to replace the mower that was purchased in 1995. The Commission will attempt to sell the 1995 mower. The purchase will be made through the Michigan state contract program which reduces the price by approximately 33% from the manufacturer's suggested list price.

The Board discussed the question of where the funds to purchase the mower would come from. The Park Commission 2007 Budget does not include any capital equipment purchases but does have approximately \$108,000 in unencumbered reserves. The Board felt that this purchase should come from those reserves.

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board concur with the recommendation of the Park Commission and approve the purchase of a Toro Groundsmaster 328-D 4WD commercial lawnmower from Spartan Distributors at a cost of \$18,398.10 with funds from the Superior Charter Township Park Fund Balance.

Roll call vote:

Ayes: McFarlane, Williams, Caviston, Lewis, Phillips

Nays: None

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Absent: McKinney, Green

The motion carried.

**D. CONTRACT – CHARLES SWANSON – SIDE STREET
MAINTENANCE**

It was moved by Caviston, supported by Lewis, that the Superior Charter Township Board authorize the Supervisor to sign the following contract with Charles Swanson for side street maintenance in Washington Square and Oakbrook:

**AGREEMENT BETWEEN
CHARTER TOWNSHIP OF SUPERIOR AND CHARLES E. SWANSON**

This agreement made this 3rd day of April, 2007, by and between the Charter Township of Superior, hereafter referred to as the Township, and Charles E. Swanson, hereafter referred to as contractor.

Whereas the Township desires to secure the services of a contractor for street-side maintenance,

Now therefore, in consideration of the promises and covenants hereinafter contained, the parties hereto mutually agree as follows:

1. The relationship of the contractor to the Township is and shall continue to be that of an independent contractor and no liability of benefits such as Worker's Compensation, Pension, unemployment benefits or other rights or liabilities arising out of or related to a contract for hire or employee/employer relationship shall arise or accrue to either party as a result of the performance of this contract.
2. The contractor shall maintain general liability insurance in the amount of \$100,000 naming Superior Charter Township as an additional insured and provide the Clerk with a copy of the policy within ten (10) days of signing the contract.
3. The contractor shall maintain the following street sides for the 2007 Summer Season, including lawn cutting and trimming weekly, brush and tree trimming as needed, and litter removal along the street sides as needed:
 - a. Berkshire east of Prospect – south side – from entrance to Lakeview Estates - @ 2/10 mile strip 12 feet wide
 - b. MacArthur Blvd. – west side – from Fireman's Park to Stamford - @ 800 foot strip 12 feet wide

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- c. MacArthur Blvd. – both sides – from Stamford to Clark - @ 6/10 mile strip 42 feet wide (from fences to street)
 - d. MacArthur Court Island - @ one acre
 - e. Heather Island – from MacArthur - @ 500 feet
 - f. Nottingham Island – from Clark - @ 500 feet
 - g. Clark Drive Island – north from Clark Road @ 100 feet
 - h. MacArthur Drive east along Clark Road to Clark Drive Island @ 1.5/10 mile 36 feet wide strip to fences
 - i. MacArthur Blvd. tree trimming and clean up
4. The Township shall pay the contractor \$13,500 for the 2007 Summer Season ending in November 15, 2007, and the contractor will bill the Township biweekly for services rendered.
5. This contract may be terminated with 10 days notice by either party.

In witness whereof, the undersigned have set their hands this _____ day of _____, 2007.

Contractor: _____ Date :

Township Supervisor _____ Date:

Roll call vote:

Ayes: McFarlane, Williams, Caviston, Lewis, Phillips

Nays: None

Absent: McKinney, Green

The motion carried.

E. REAPPOINTMENT OF BOB MURRAY TO THE WETLANDS BOARD

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board concur with the recommendation of the Supervisor and reappoint Bob Murray, 6101 Riverwood Drive, for a three-year term ending April 7, 2010.

The motion carried.

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F. RFP FOR MUNICIPAL WASTE SERVICES

The contract with Allied Waste Services expires on September 30, 2007. Using the current contract as a guide because it has worked well for the last five years, the administrative staff has prepared a Request for Proposal for a new five year contract.

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board approve the Request for Proposal for Residential Municipal Waste Services for the Township and that the RFP be forwarded to the waste haulers in the area.

The motion carried.

G. RENEWAL OF VISION INSURANCE CONTRACT

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board authorize the Supervisor to sign the two-year contract expiring June 1, 2009, with Vision Service Plan for employee vision insurance at a rate of \$10.78 per month for a single person and \$24.40 for a family.

The motion carried.

11. PAYMENT OF BILLS

It was moved by Caviston, supported by Williams, that the bills be paid as presented in the following amounts – Legal Defense Fund - \$12,861.85 and Utilities Fund - \$1,835.11 for a total of \$14,696.96.

The motion carried.

12. PLEAS AND PETITIONS

Phillips noted that SEMCOG has found that health care is growing area for employment opportunities. The Township is well situated to benefit from this because of the St. Joseph Hospital complex.

Williams said that the newsletter will be mailed next week and thanked Caviston for all the work she does putting it together. Caviston said that she loved the job.

13. ADJOURNMENT

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

The motion carried and the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Kay Williams, Clerk