

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 1**

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 June 20, 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, Rodrick Green, Lisa Lewis, and David Phillips.

4. ADOPTION OF AGENDA

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

The motion carried.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF JUNE 20, 2005

It was moved by Caviston, supported by McKinney, to approve the minutes of the regular Board meeting of June 20, 2005, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

- A.** Ellen Kurath, 2203 Hickman, had several questions/concerns relating to the Biltmore proposal for the Eyde property at Geddes and Leforge:
1. Would there be another way to the Eyde land other than through Pro-lime?
 2. The soils on the Eyde parcel are difficult for roads and construction.
 3. She is concerned about the natural ponds and woods.
 4. She wants to know if there are any noxious materials on the Pro-lime land which will be donated to the Township.
 5. Towsley Farms already has water and sewer north of Geddes.
 6. The Township sewer may not have capacity for this development.
- B.** McFarlane responded that the Township and the Developer (Biltmore) need time to digest the concerns from the Public Hearing and the Board would make a decision on the project at the first meeting in July.

SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 2

- C. Mike Collins, 2038 Hunters Creek Drive, has many concerns about the Biltmore proposal and wanted to know the procedures for the development of the project. He understands that Biltmore has done a lot for the Township as a whole but not much for Hunter's Creek. He is afraid that Hunters Creek Drive will become a highway.
- D. Michael David Ben Dor, 2820 Stommel, said that the Mayor of Ypsilanti said that Ypsilanti was not trying to annex land and offered to help increase communications with the City. McFarlane said that the Mayor left a message on his answering machine saying that she was willing to enter into a 425 Agreement which means that the land would be developed and the City would get ½ the taxes. The annexation petition would come from the Eydes, who own the land, and the City would vote on the issue. Since no one lives on the land to vote, the City vote would carry.
- E. Michelle Pianczk, 2023 Hunters Creek Drive, was concerned about Biltmore selling the development and the incentives to allow the development, such as preserving the farm land, would be lost. She was also concerned about the architecture of the homes; she doesn't want them all alike. She would like bigger lots near Hunters Creek. McFarlane said that Biltmore would sign a Development Agreement that was recorded and ran with the land that would guarantee the provisions of the development.
- F. Ben Dor wanted to know when Hyundai would be putting in the traffic light at Geddes and Leforge. It should go in this fall.

7. REPORTS

A. SUPERVISOR

The Supervisor reported on three items:

1. The Michigan Attorney General, Mike Cox, has written an opinion that the DEQ must process the application from Rock Ridge Estates of Rock Construction for an on-site wastewater treatment plant for a manufactured home community on 400 acres of their property located on the north and south sides of Geddes Road near Superior Road. The DEQ had refused to process the application in October 2004 as the land was not zoned for a manufactured home community and the treatment plant would not be able to clean the water of phosphates which would further pollute the Huron River.

McFarlane asked that the Board authorize him to hire consultants to prepare an investigation into the merits and compatibility of a community wastewater treatment plant.

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 3**

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board authorize the administrative staff to hire Carlisle Wortman, community planners, Attorney Schwartz, and any others as needed to prepare an answer to the Application to the DEQ for an on-site wastewater treatment plant by Rock Ridge Estates.

The motion carried.

2. The Supervisor reminded the Board that the next meeting is Tuesday, July 5, as Monday was Independence Day.
3. McFarlane said that the ACO, Inc. lawsuit concerning the mini-storage proposal on Plymouth was dismissed by the Judge. We won; however, the Judge gave ACO thirty days to resubmit the petition.

**B. DEPARTMENTAL REPORTS : FIRE DEPARTMENT,
PLANNING COMMISSION MONTHLY, ORDINANCE
OFFICER**

It was moved by Caviston, supported by McKinney, that the Fire Department Report for May, the Planning Commission Monthly Report dated June 13, 2005, and the Ordinance Officer Report May-June 2005 be received.

The motion carried.

D. APRIL 2005 FINANCIAL STATEMENTS - ALL FUNDS

It was moved by Caviston, supported by Lewis, that the Superior Charter Township Board receive the April 2005 Financial Statements for all funds: General, Fire, Law Enforcement, Parks and Recreation, Streetlights, Payroll, Trust and Agency, Utilities, Building, Side Street Maintenance, and Fire Construction Bond Fund.

The motion carried.

8. COMMUNICATIONS

A. BRENDA BAKER – BILTMORE PROPOSAL

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 4**

Brenda Baker, 8512 Ashton Court, wrote to the Board asking that a citizens committee be established to review the Biltmore proposal for development.

It was moved by McKinney, supported by Lewis, that the letter from Brenda Baker be received.

The motion carried.

9. OLD BUSINESS

There was none.

10. NEW BUSINESS

A. PURCHASE OF TOWNSHIP PROPERTY ON HARRIS ROAD

Steven J. Fisher, Schostak-Fisher Group, 25800 Northwestern Highway, Suite 750, Southfield MI 48075, requested that the Superior Charter Township Board enter into an Option Agreement with Enclave Associates, L.L.C. for the purchase of the 1.17 acres of land (Tax Code #10-35-200-009) which the Township owns on Harris Road between Geddes and MacArthur. The terms of the Option Agreement would include a price of \$80,000 and the purchase contingent upon approval the Enclave development.

Fisher was present at the meeting. He stated that he had to have the option on the land to go to the Planning Commission. McFarlane said that the proposed plan, 153 units on 32 acres, was too dense at and he would not approve it. Fisher said that he could lower the density somewhat, but that he needed to go to the Planning Commission first and he had to have the option to go there.

McFarlane noted that the development would solve the problem of storm water for Geddes Ridge Subdivision, and that he expected that the development would have curbs and gutter and sidewalks.

After much discussion, it was moved by Phillips, supported by Caviston, that the Superior Charter Township Board authorize the Supervisor to sign an Option Agreement with Schostak-Fisher Group for the purchase of 1.17 acres for land (Tax Code #10-35-200-009) for \$80,000.00, the terms and conditions of the Option Agreement to be determined by the Administrative Staff and Township Attorney.

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 5**

Roll call vote:

Ayes: Williams, Caviston, Green, Lewis, Phillips

Nays: McFarlane, McKinney

The motion carried.

B. DIXBORO DESIGN REVIEW BOARD REAPPOINTMENTS

The terms for Jack Goodnoe and Wendy Fry on the Dixboro Design Review Board expire in July. The terms of the members are not consistent; they expire at various times throughout the year. As this is a recommending board with no legal authority, there is no legal reason why the Board cannot at this time make the terms more consistent, at least in regard to the members who are not serving as a representative from Township Board or the Planning Commission. Pat Durston's term ends 2-28-07.

Williams suggested that the Board shorten Pat Durston's term by 2 months to December 31, 2006, and that the two reappointments be valid until December 31, 2008. As Tom Freeman and Max Marken's terms go to December 31, 2007, this would allow consistency with term dates.

It was moved by McKinney, supported by Caviston, that the Superior Charter Township reappoint Jack Goodnoe, 2450 Dixboro Road, and Wendy Fry, 5266 Church Road, to the Dixboro Design Review Board for terms ending December 31, 2008, and amend the term of Patricia Durston, 2750 Walters Way, to end December 31, 2006.

The motion carried.

C. MERS UNIFORM RESOLUTIONS FOR FIRE FIGHTERS

In March the Board adopted the necessary resolutions for the MERS Healthcare Savings Program for the non-union employees. Now the Board needed to adopt the resolutions for the Fire Fighters.

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

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 6**

**WASHTENAW COUNTY, MICHIGAN
JUNE 20, 2005**

**A UNIFORM RESOLUTION ADOPTING THE MERS HEALTH CARE
SAVINGS PROGRAM: DEFINED CONTRIBUTION PROGRAM PLAN 1**

**(EXCLUDING PLANS GOVERNED BY INTERNAL REVENUE CODE
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;

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 7**

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 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 June 20, 2005, the MERS HCSP-Defined Contribution Program Plan 1 is hereby adopted by the Charter Township of Superior to commence on June 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

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 8**

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 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)

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 9**

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.

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 June 20, 2005.

William McFarlane, Supervisor

Kay Williams, Clerk

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
JUNE 20, 2005**

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

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 10**

(EXCLUDING PLANS GOVERNED BY INTERNAL REVENUE CODE 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)); 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),

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 11**

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.

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 June 20, 2005, the MERS HCSP-Defined Contribution Program Plan 2 is hereby adopted by the Charter Township of Superior, the Plan to commence on July 1, 2005.

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"),

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 12**

1965 P A 314, as provided by MERS Plan Document Section 39; MCL 38.1539, and PA 149.

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;

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 13**

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.

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:

June 20, 2005

William McFarlane, Supervisor

Kay Williams, Clerk

Roll call vote:

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

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 14**

Nays: None

The motion carried.

D. AIR CONDITIONER FOR TOWNSHIP HALL

The air conditioning unit in the east end of the Township Hall died. The Building Official, Rick Mayernik, researched the replacement and recommended the replacement of the entire air conditioning system as well as upgrading the 16 year-old furnace to a 90+ efficient furnace.

It was moved by Caviston, supported by Williams, that the Superior Charter Township Board concur with the recommendation of the Building Official and replace the entire air conditioning system and furnace for the east side of the Township Hall and accept the bid from Al Walters Heating and Air Conditioning, Inc, for a Lennox HSX12A-060 complete system with a capacity of five tons, which uses the new R-410A refrigerant, with a five year limited warranty with a SEER of 12 for \$5,033.00 installed, plus a Lennox G61MP-60-110 two stage gas-fired furnace with in input of 110,000 BTU's, installed, a ten year limited warranty on the heat exchanger, a two year limited parts warranty with a AFUE of 94%, for \$1,985.00 for a total of \$7,018.00

Roll call vote:

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

Nays: None

The motion carried.

E. LAPTOP COMPUTER FOR THE BUILDING DEPARTMENT

In January the Board approved the purchase of three laptop computers for building inspector field use. These computers are now in service and their use has allowed the department to eliminate duplicated paperwork and effort. These laptops are a vital tool and the loss of use of any unit is a significant burden. Rick Mayernik, Building Official, requested that the Board authorize the purchase of an additional laptop to be used as a back-up in case of functional problems with any of the other units.

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 15**

It was moved by Caviston, supported by Lewis, that the Superior Charter Township Board authorize the purchase of a laptop computer for the Building Department for an amount not to exceed \$2,757.00.

Roll call vote:

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

Nays: None

The motion carried.

PURCHASE OF CONFINED SPACE ENTRY EQUIPMENT FOR UTILITY DEPARTMENT

The Utility Department requested approval from the Township Board to proceed with the purchase of a DBI Modular Davit Arm and Mast with a portable base and a DBI brand SRL/Rescue Winch System with a self-retracting lifeline from Jack Doheny Supplies, Inc. This equipment will be used by Utility Maintenance Department personnel when performing tasks that necessitate permit-required confined-space entries. The Utility Department's Confined Space Entry Program outlines procedures to follow that conform to Michigan Occupational Safety and Health Administration (MIOSHA) regulations. Because of their size, depth and content, sanitary sewer lift stations present a unique challenge and require specific safety equipment for Township personnel.

The Utility Department received three quotations for the equipment purchase and recommended that the Jack Doheny Supplies, Inc. of Northville for \$5,602.84. The quotation is \$477.84 higher than the lowest bid, but the Department felt that their close proximity to the Township would provide us with the best support (i.e., loaners, repairs, etc.). Funds for this purchase are available in the Capital Reserves.

It was moved by Caviston, supported by Phillips, that the Superior Charter Township Board authorize the purchase of DBI Modular Davit Arm and Mast with a portable base and a DBI brand SRL/Rescue Winch System with a self-retracting lifeline from Jack Doheny Supplies, Inc. for an amount not to exceed \$5,602.84.

Roll call vote:

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

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 16**

Nays: None

The motion carried.

F. MOWER FOR FIRE DEPARTMENT

The Fire Department would like to purchase a lawn mower and weed whip so that they may keep the new Fire Hall looking beautiful. There were two bids for the equipment and Chief Garvin Smith recommended the bid that is \$90.00 higher as it is a local company and service is easier to obtain.

It was moved by Caviston, supported by Williams, that the Superior Charter Township Board concur with the recommendation of the Fire Chief and authorize the purchase of a Scag 52" walk-behind mower with a sulky for \$5,410.00 and a Stihl Combo Weed Whip for \$730.00 from Saxtons, Inc. of Plymouth.

Roll call vote:

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

Nays: None

The motion carried.

G. AMBERWOOD – WATER LINE ACROSS DWSD RIDGE ROAD WATER MAIN

The Utility received a letter from Biltmore concerning the possibility of extending a 16" water main across the Detroit Water and Sewerage Department main in Ridge Road to a point on the east side of Ridge Road under our current permit and using the Township Contractor for the Detroit Second Connection project. Biltmore would repay the Township for the approximately \$82,000 for the construction and engineering and inspection costs of approximately \$5,000.00.

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board authorize the extension of the 16" water main across the DWSD main in Ridge Road to a point on the east side of Ridge Road under the Township's current permits and using the Township contractor, Davenport Brothers, with the cost of the line to be repaid by Biltmore

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 20, 2005
ADOPTED MINUTES
PAGE 17**

amounting to approximately \$87,000.00 which includes costs of construction, engineering, and inspections.

Roll call vote:

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

Nays: None

The motion carried.

11. PAYMENT OF BILLS

It was moved by McKinney, supported by Caviston, that the bills be paid in the following amounts: Utilities Fund - \$8,272.38 for a total of \$8,272.38.

The motion carried.

12. PLEAS AND PETITIONS

There were none.

13. ADJOURNMENT

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

The motion carried and the meeting adjourned at 9:45 p.m.

Respectfully submitted,

Kay Williams, Clerk