

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
DECEMBER 5, 2005  
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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 December 5, 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 presented.

The motion carried.

**5. APPROVAL OF MINUTES**

**A. REGULAR MEETING OF NOVEMBER 21, 2005**

It was moved by McKinney, supported by Green, to approve the minutes of the regular Board meeting of November 21, 2005, as presented.

The motion carried.

**6. CITIZEN PARTICIPATION**

Martha Kern, County Commissioner, discussed the Police Services Agreement between Superior Charter Township and Washtenaw County which the Board will consider later in the meeting. She also invited the Board to the County Commission Holiday Open House on December 7 from 4 – 6 p.m. and to the retirement party for Kathy Freeman on December 8.

**7. REPORTS**

**A. SUPERVISOR**

The Supervisor reported on six items:

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1. McFarlane informed Mike BenDor that there was no pollution of Fleming Creek per Fleming Creek Advisory Council Joan Martin.
2. On November 7 the Board authorized the sending of a letter to every household with a registered voter concerning the January 11, 2006, public hearing on the Biltmore Project (Regency Woods). The letter was given to the Board for input prior to being printed. McFarlane suggested that the Board might want to request that the Planning Commission postpone the recommendation to the Board on the Regency Woods Project until the Sewer Capacity Study was complete. The Study should be finished by the end of January or early February. Phillips said that sewer capacity has always been an issue with the Planning Commission. Steve Chizek of Biltmore said that while they would like an earlier decision, he understood that the study results are important to everyone. Mr. Chizek indicated that he would waive review requirement and submit a letter that the decision be made upon completion of the Sewer Study.

It was moved by McKinney, supported by Caviston, that the Superior Charter Township request that the Planning Commission hold the Public Hearing on Regency Woods' application for rezoning and amendment to the Growth Management Plan on January 11, 2006, as scheduled, but not make a recommendation to the Board until the Sewer Capacity Study was complete.

The motion carried.

3. Detroit has signed the permit for the 3<sup>rd</sup> Connection at Leforge and Clark. There was a delay, but Treasurer McKinney contacted some associates in Detroit and the deed was done.
4. The 12" water transmission line along MacArthur broke this morning, but the Utilities Department responded quickly and is fixing the break.
5. The Fire Department made an excellent save on a house in Glenborough. A log rolled out of the fireplace and coals got under the floor, starting the fire.
6. Former Fire Fighter William Grapp died last month. He also had been a Trustee on the Board.

**B. WIRELESS WASHTENAW PRESENTATION**

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The Wireless Washtenaw initiative is intended to facilitate the deployment of a high-speed wireless internet access for the urban, suburban, and rural settings throughout Washtenaw County. The Township has indicated that we would like to be one of the participants in a pilot program for the project. James McFarlane, Project Manager for Wireless Washtenaw, was present to explain the program to the Board and answer questions on the proposed The Master Participation Agreement between Washtenaw County and the Township. The Agreement is being reviewed the Township Attorney, who is also reviewing it for ten other municipalities.

The program is out-for-bid to 23 service providers who would run the system. Each County resident could set up an account which would give them free access to the internet. The first five hours each month would be at 384 K, and then would drop to 56 K unless the user wanted to pay for the higher speed. The provider will receive a five-year contract as it will cost \$40-60 million to build the system. Washtenaw County will not own the system.

It was moved by Lewis, supported by McKinney, to receive the report from James McFarlane concerning Wireless Washtenaw.

The motion carried.

**C. DEPARTMENTAL REPORTS : OHM MONTHLY, PARK COMMISSION MINUTES**

It was moved by Caviston, supported by McKinney, that the OHM Monthly Report dated December 2, 2005, and the Park Commission minutes for October 24, 2005, be received.

The motion to receive the report and minutes carried.

**8. COMMUNICATIONS**

**A. YPSILANTI COMMUNITY UTILITIES AUTHORITY 2% SEWER RATE INCREASE**

Larry Thomas, Director of Ypsilanti Community Utilities Authority (YCUA) informed the Board that effective February 28, 2006, YCUA would be implementing a 2% sewage disposal rate increase to \$2.006 per 100 ft<sup>3</sup>.

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It was moved by Williams, supported by Caviston, that the communication from Larry Thomas regarding the 2% sewage disposal rate increase be received.

The motion carried.

**9. UNFINISHED BUSINESS**

**A. LAND CONSERVANCY TAX EXEMPT STATUE ISSUES**

At the November 21 Board meeting the Board received a letter from Joe Pillera, 8905 Vreeland, regarding the forbidding of horseback riding on Southeast Michigan Land Conservancy property in Superior Township. He questioned the policy of restricting the public use of tax exempt lands. The Supervisor requested an attorney opinion on the matter and also a response from the Conservancy. Those replies have been received.

Rick Simek, Vice President of the Southeast Michigan Land Conservancy, wrote that riding horses on the preserve is not allowed for many reasons; such as: hoofs create ruts which are potentially hazardous for walkers, the paths are not wide, parking for horse trailers is not available, horse droppings are unpleasant to walkers and may introduce invasive weed seeds, and horse grazing consume protected grasses.

Jack Smiley, President of the Southeast Michigan Land Conservancy, wrote to deny some of the allegations made by Joe Pillera in his letter. The Conservancy does not allow bike riding or horseback riding. All of their properties are open to the public free of charge for people to enjoy nature. Most of their lands are encumbered with conservation easements and the Conservancy does everything possible to secure their properties for perpetual public benefit.

The Township Assessor has expressed her concern that lands being rented are not accessible to the public, and further, she indicated that there are no recorded easements on some parcels.

Victor L. Lillich, of Reading, Etter, & Lillich, responded to several questions regarding the tax exempt status of the Conservancy lands. There are two statutes under which the Conservancy might claim tax exemption. MCL 211.7 (n) allows tax exemption for educational reasons and sets forth the requirements for meeting educational purposes under the statute. It is doubtful if the Conservancy conducts enough educational programs to

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qualify. Definitely the law does not apply for the Conservancy lands that are rented for farming purposes. A new law, Public Act 576 of 2004, effective on January 4, 2005, provides that “(r)real property owned by a qualified conservation organization that is held for conservation purposes and is open to all residents ... for educational or recreational use, including, but not limited to, low-impact, nondestructive activities such as hiking, bird watching, cross country skiing, or snowshoeing is exempt from ... taxes”. The “qualified conservation organization” must meet requirements including that under “its articles of incorporation, bylaws, or trust documents to hold in perpetuity property acquired for the purposes described”. The Conservancy has not placed conservation easements on the land which are necessary to comply with the law to get tax exemption. The issue of perpetuity preservation needs to be resolved.

The Administrative Staff met with the Conservancy officers to discuss the situation. The Conservancy has offered to amend their bylaws to conform to the new law. They will also give the Township copies of the conservation easements they now have. Horseback riding is still an issue.

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board receive the communications from the Southeast Michigan Land Conservancy and Attorney Victor Lillich concerning the use of the Conservancy lands and their tax exempt status, and direct the Administrative Staff to attempt to resolve the problems.

The motion carried.

**10. NEW BUSINESS**

**A. WASHTENAW COUNTY SHERIFF CONTRACT**

McFarlane has been working with the County for months attempting to negotiate a police services contract which will serve the needs of the Township while maintaining the financial integrity of the Law Fund. He has spent countless hours at meetings and on the telephone with other municipalities, the Sheriff Department, County Administrators, and the Washtenaw County Board of Commissioners to achieve the proposed contract. The contract presented to the Board is the result of those many hours of hard work, worry, and thoughtful compromise. The Board commended McFarlane for his diligence and expertise in obtaining the best possible police services contract.

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Kern said that McFarlane was the voice of reason in the negotiations; he was the person who enabled the process to proceed to a reasonable compromise.

The first year of the contract (2006) the Township will contract for nine PSU's (deputies) defined as "the services of one Sheriff's deputy plus all supervisory and administrative activities, including training as determined by the Sheriff". The base level of service for a deputy is 1800 hours per year for \$94,218.00 per deputy. The County will be responsible for all other costs including overtime.

The second year (2007) the cost increases to \$99,871.00 per deputy plus \$10,000.00 for overtime. The County will responsible for any additional overtime so the actual cost per deputy is \$109,871.00.

For 2008 and 2009 the concept of PSU's will no longer apply and the Township will be charged for the cost of a basic deputy and any additional personnel, equipment, or services they require. The County will fund "county-wide services" which will be determined by April 30, 2006. At that time the County will announce the cost of services for the 2008-2009 contract. By July 1, 2007, the Township will notify the County of the number of deputies and related personnel, equipment, and services required for the 2008 and 2009 contract.

It was moved by McKinney, supported by Green, that the Superior Charter Township Board authorize the Supervisor to sign the Washtenaw County Police Services Contract for 2006-2009.

Roll call vote:

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

Nays: None

The motion carried.

**B. POLICY FOR COMPLYING WITH THE MICHIGAN SOCIAL SECURITY NUMBER PRIVACY ACT**

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

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**SUPERIOR CHARTER TOWNSHIP  
SOCIAL SECURITY NUMBER PRIVACY POLICY  
December 5, 2005**

**A RESOLUTION ESTABLISHING THE SOCIAL SECURITY NUMBER  
PRVACY POLICY**

Whereas, Superior Charter Township is required by the Michigan Social Security Number Privacy Act, Public Act 454 of 2004, to create a privacy policy concerning the Social Security numbers that it possesses or obtains; and

Whereas, pursuant to the Act, the privacy policy will

1. Ensure to the extent practicable the confidentiality of the Social Security numbers,
2. Prohibit unlawful disclosure of the Social Security numbers,
3. Limit access to information or documents that contain Social Security numbers,
4. Describe how to properly dispose of documents that contain Social Security numbers, and
5. Establish penalties for violation of the privacy policy; and

Now, therefore, be it resolved, that the Superior Charter Township Board does hereby establish the following Social Security Number Privacy Policy:

**Section 1: Policy**

It is the policy of Superior Charter Township to protect the confidentiality of Social Security numbers obtained in the ordinary course of township business from employees, vendors, contractors, customers or others. No person shall knowingly obtain, store, transfer, use, disclose, or dispose of a Social Security number that the Township obtains or possesses except in accordance with the Act and this Privacy Policy.

**Section 2: Procedure**

**A. Obtaining Social Security Numbers**

Social Security numbers should be collected only where required by federal and state law or as otherwise permitted by federal and state law for legitimate reasons consistent with this Privacy Policy.

Legitimate reasons for collecting a Social Security number include, but are not limited to:

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1. Applicants may be required to provide a Social Security number for purposes of a pre-employment background check.
2. Copies of Social Security cards may be obtained for purposes of verifying employee eligibility for employment.
3. Social Security numbers may be obtained from employees for tax reporting purposes, for new hire reporting, or for purposes of enrollment in any Township employee benefit plans.
4. Social Security numbers may be obtained from creditors or vendors for tax reporting purposes.

**B. Public Display**

All or more than four sequential digits of a Social Security number shall not be placed on identification cards, badges, time cards, employee rosters, bulletin boards, permits, licenses or any other materials or documents designed for public display. Documents, materials or computer screens that display all or more than four sequential digits of a Social Security number shall be kept out of public view at all times.

**C. Account Numbers**

All or more than four sequential digits of a Social Security number shall not be used as a primary account number for an individual.

**D. Computer Transmission**

All or more than four sequential digits of a Social Security number shall not be used or transmitted on the Internet or on a computer system or network unless the connection is secure or the transmission is encrypted.

**E. Mailed Documents**

Township documents containing all or more than four sequential digits of a Social Security number shall only be sent in cases where state or federal law, rule, regulation, or court order or rule authorizes, permits or requires that a Social Security number appear in the document. Documents containing all or more than four sequential digits of a Social Security number, that are sent through the mail, shall not reveal the number through the envelope window or otherwise be visible from outside the envelope or package.

**F. Freedom of Information Act**

Where all or more than four sequential digits of a Social Security number are contained within a document subject to release under the Freedom of Information Act, the Social Security number shall be redacted or otherwise rendered unreadable before the document



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or copy of a document is disclosed.

**G. Storage**

All documents containing Social Security numbers shall be stored in a physically secure manner. Social Security numbers shall not be stored on computers or other electronic devices that are not secured against unauthorized access.

**H. Access to Social Security Numbers**

Only personnel who have legitimate business reasons to know will have access to records containing Social Security numbers. The department heads having access to records containing Social Security numbers shall determine which other personnel within their departments have a legitimate reason in the Township's ordinary course of business to have access to such Social Security numbers. Personnel using records containing Social Security numbers must take appropriate steps to secure such records when not in immediate use.

**I. Disposal**

Documents containing Social Security numbers will be retained in accordance with the requirements of state and federal laws. At such time as documents containing Social Security numbers may be disposed of, such disposal shall be accomplished in a manner that protects the confidentiality of the Social Security numbers, such as shredding.

**J. Unauthorized Use or Disclosure of Social Security Numbers; Criminal and/or Civil Sanctions**

The Township shall take reasonable measures to enforce this Privacy Policy and to correct and prevent the reoccurrence of any known violations. Any employee, who knowingly obtains, uses or discloses Social Security numbers for unlawful purposes or contrary to the requirements of this privacy policy shall be subject to discipline up to and including discharge. Additionally, certain violations of the Act carry criminal and/or civil sanctions. The criminal penalties for knowingly violating the Social Security Number Privacy Act include imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both. An Individual who prevails in a civil action against a person who violates the Act may recover actual damages. An individual who prevails in a civil action against a person who *knowingly* violated the act may recover actual damages or \$1,000.00, whichever is greater, and may recover reasonable attorney fees. The Township will cooperate with appropriate law enforcement or administrative agencies in the apprehension and prosecution of any person who *knowingly* obtains, uses or discloses Social Security numbers through the Township for unlawful purposes.

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**Section 3. Effective Date.**

This policy shall be published on the Township Website, posted in the Clerk's Office, and become effective on January 1, 2006.

**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 policy adopted at a regular meeting of the Superior Charter Township Board held on December 5, 2005.

Kay Williams, Superior Charter Township Clerk

Roll call vote:

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

Nays: None

The motion carried.

**C. UPDATE ON PERSONNEL POLICY – FAMILY LEAVE**

The Family and Medical Leave Act requires that the Township have a policy for leaves if we have 50 full-time employees. The Township does not have that number, but in certain circumstances the Township may want to grant a family leave. Our current policy does not make this option clear.

It was moved by Caviston, supported by McKinney, that the Superior Charter Township Board amend the Personnel Manual as follows:

A. Superior Township currently does not have enough full-time employees (not including elected officials or appointees) to be required to offer unpaid job-protected leaves of absences under the 1993 Family and Medical Leave Act. However, employees may submit a request for a leave that complies with the FMLA guidelines and the Superior Township Board of Trustees will decide whether to grant the job protected leave on a case by case basis depending on the needs of the Township at that time. The following guidelines shall govern such leaves:

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Roll call vote:

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

Nays: None

The motion carried.

**D. BALLOT PROPOSITION FOR LEGAL DEFENCE FUND**

At the November 7 Board meeting the Board requested the attorney to draft language for the May 3, 2006, election for a millage request for 0.25 mill for a legal defense fund for fighting the Rock Ridge Estates plan for on-site sewage disposal system and still be able to use any left-over funds to purchase development rights. The wording suggested by the attorney will encompass both ideas by language to protect and promote our GMP.

It was moved by Caviston, supported by Williams, that the Superior Charter Township approve the following ballot language for the May 3, 2006, election.

**SUPERIOR CHARTER TOWNSHIP GROWTH MANAGEMENT MILLAGE**

**PROPOSAL TO PROVIDE FUNDS TO DEFEND AND PROMOTE  
THE TOWNSHIP GROWTH MANAGEMENT PLAN**

Shall the limitation on the total general ad valorem taxes which may be assessed in any one year upon real and tangible personal property in the Charter Township of Superior, Washtenaw County, Michigan, as provided by Article IX, Section 6, of the Michigan Constitution, be increased by 0.25 mills (\$0.25 per \$1,000 of taxable value) for a period of three years, the years 2006 through 2008, inclusive, for the purpose of providing funds for legal services to defend the Township Growth Management Plan, Zoning Ordinance, and to purchase development rights to further the goals of the Plan, and shall the township levy this millage increase for those purposes, thereby raising in the first year an estimated \$140,000.00?

Should this proposal be approved?

Yes

No

Roll call vote:

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

Nays: None

The motion carried.

**E. COMMUNITY SEWERS ORDINANCE**

Several townships in Washtenaw County are considering a local ordinance regarding community sewers. The Supervisor suggested that it would be in the interest of the Township to have an ordinance that would provide oversight of the installation and operation of on-site systems. The planning firm of Carlisle Wortman is currently engaged in producing such an ordinance for other townships, and would be able to assist with ours.

It was moved by Caviston, supported by McKinney, that the Superior Charter Township Board authorize the administrative staff to prepare a Community Sewers Ordinance for Board review utilizing the services of the Township Attorney and other professionals as needed.

The motion carried.

**F. ALLIANCE OF ROUGE COMMUNITIES RESOLUTION**

In 2003 under Court Order Superior Township joined with other communities to create the Rouge River Watershed Assembly. Since then, legislation has been adopted by the state that authorizes local governments to form Watershed Alliances. Therefore, the Assembly would like to change from its informal organization as an Assembly to an Alliance that is sanctioned by the new legislation.

The transition will not produce any significant changes for Superior Township. It does require member communities to adopt the new bylaws created for the Alliance and to accept membership in the new organization. These bylaws are based on the original Memorandum of Understanding the Township signed in 2003. Membership is still voluntary and representation is provided in the same way. The dues are also the same.

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

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**WASHTENAW COUNTY, MICHIGAN  
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A RESOLUTION ACCEPTING MEMBERSHIP AND ADOPTION OF BYLAWS  
FOR THE ALLIANCE OF ROUGE COMMUNITIES**

WHEREAS, thirty-eight townships, villages and cities and three counties signed an August 15, 2003 Memorandum of Agreement as an interim step to establish a permanent mechanism for communities in the Rouge River watershed to cooperatively meet state storm water discharge permit requirements, satisfy the U.S. District Court's concerns about the river, and encourage restoration of river benefits for residents of the watershed; and

WHEREAS, after two years of successful operation of the interim Assembly of Rouge Communities, the members recommended state legislation that would provide formal recognition to communities that chose to volunteer to join collaborative efforts to meet state and federal storm water discharge requirements, and cooperatively develop watershed plans to enhance the management of a river; and

WHEREAS, Watershed Alliance legislation passed the Michigan House of Representatives and the Michigan Senate and was signed into law by the Governor on January 3, 2005 as Act No. 517, Public Acts of 2004, based upon a draft provided and supported by the Rouge River watershed communities; and

WHEREAS, at its meeting on June 8, 2005, the Assembly of Rouge Communities completed drafting of the attached Alliance of Rouge Communities bylaws, and recommended adoption by the appropriate governing bodies of those public agencies within the Rouge River watershed eligible for membership; and

WHEREAS, the formation of the Alliance of Rouge Communities under this new state law will provide the public agencies within the watershed the authority to directly seek grants, enter into contracts, and manage its own resources that have been provided in the past by and through Wayne County with federal funds as part of the Rouge River National Wet Weather Demonstration,

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township hereby formally adopts bylaws for and accepts membership in the Alliance of Rouge Communities,

FUTHER BE IT RESOLVED that consistent with the terms of the Alliance of Rouge Communities bylaws, Superior Charter Township formally authorizes the Township Supervisor to designate a representative and an alternate representative to the Alliance of Rouge Communities, and additional persons to represent Superior Charter Township, if needed, as an alternate to assure voting representation,

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FINALLY BE IT RESOLVED that Superior Charter Township's continuing membership will be evidenced by payment of its voluntary assessment on an annual basis to the Alliance of Rouge Communities.

Roll call vote:

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

Nays: None

The motion carried.

**G. BUDGET AMENDMENTS**

It was moved by McKinney, supported by Caviston, that the 2005 General Fund, Fire Fund, and Building Fund Budgets be amended as follows:

General Fund:

Increase the following line items:

101-000-664-000	Interest	\$5,000.00
101-265-920-050	Streetlights	1,050.00
101-266-947-016	Engineering Re: Rock	6,000.00
101-000-664-075	Tax Collection Interest	6,000.00
101-210-801-000	Legal Service General	2,000.00
101-411-702-000	ZBA Salaries	500.00
101-000-609-050	Building Fund Contribution	6,000.00
101-000-607-074	Charges above Base Admin.	2,600.00
101-000-607-075	Charges above Base Reimb.	23,032.00
101-410-801-020	Project costs above Base	15,673.00
101-000-674-000	Departmental Income	1,000.00

Decrease the following line items:

101-000-607-030	Plans/Permits Base Fees	\$ 20,254.00
101-000-607-033	Engineer Review Base Fee	20,015.00
101-410-801-010	Project Plan/Stage 1 Engin	16,731.00
101-410-801-012	Stage 2 Engineering	6,629.00
101-410-801-011	Non-Project Engineering	5,000.00
101-410-801-021	Project Meeting Costs	3,500.00

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Fire Fund

Increase the following line items:

206-000-671-075	Insurance Reimbursements	\$10,407.00
206-336-702-000	Salaries	7,000.00
206-336-707-000	Part-time Wages	4,000.00
206-336-716-025	Health Ins. Retirees	2,000.00
206-336-717-000	Taxable Benefits	8,000.00

Decrease the following line items:

206-336-716-000	Health Insurance	\$ 9,000.00
206-336-718-000	Pension	1,593.00

Building Fund

Increase the following line items:

249-371-202-000	Accountant	\$1,400.00
249-371-258-000	Computer Support	1,500.00
249-371-265-000	Building Maintenance	1,500.00
249-371-715-045	Assistant Building Insp. FICA	900.00
249-371-716-045	Assist Building Insp. Health Inc	175.00
249-371-716-075	Health Ins. Other Staff	1,200.00
249-371-702-075	Salary Other Staff	1,500.00

Decrease the following line items:

249-000-610-000	Charges for Service	\$15,000.00
249-000-699-025	Appropriation from Reserves	35,600.00
249-965-965-000	Transfer to Reserves	50,875.00
249-371-930-000	Repair and Maintenance	2,500.00
249-371-717-075	Taxable Benefits – other staff	2,200.00
249-371-850-050	Meals, Lodging, Parking	1,800.00

Roll call vote:

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

Nays: None

The motion carried.

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**11. PAYMENT OF BILLS**

It was moved by Caviston, supported by McKinney, that the bills be paid in the following amounts: General Fund - \$1,856.25 for a total of \$1,856.25.

The motion carried.

**12. PLEAS AND PETITIONS**

Mike BenDor wanted to know who authorized the sending of the Pillera letter to the attorney. The Board did at the last meeting.

Martha Kern noted that Don Riddering was retiring from the Historic District Commission where he has served for many years.

**13. ADJOURNMENT**

It was moved by Williams, supported by McKinney, that the meeting adjourn. The motion carried and the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Kay Williams, Clerk