

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
SEPTMEBER 21, 2009  
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 September 21, 2009, 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, Brenda McKinney, David Phillips, Nancy Caviston, Roderick Green and Alex Williams. Lewis arrived about 7:47 pm.

**4. ADOPTION OF AGENDA**

It was moved by Green, seconded by McKinney to adopt the agenda with the addition of Discontinue Membership in Alliance of Rouge Communities (ARC) as item a. under Communications and Set the Public Hearing for the Revised Wetlands Ordinance as item p. under New Business.

The motion carried by a voice vote.

**5. APPROVAL OF MINUTES**

**A. REGULAR MEETING OF AUGUST 21, 2009**

It was moved by McKinney, seconded by Green, to approve the minutes of the regular Board meeting of August 21, 2009, as presented.

The motion carried by a voice vote.

**6. CITIZEN PARTICIPATION**

**A. NON-AGENDA ITEMS**

Jan Berry, Chair of the Parks Commission reported that the Parks Commission's grant application to the Michigan DNR to install ADA accessible trails in the Cherry Hill Nature Preserve is still under consideration. They have submitted a supplemental update to the application.

**7. REPORTS**

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**A. SUPERVISOR REPORT**

The Supervisor reported on the following:

The initiatives in the MacArthur Boulevard area implemented by the Township, the Sheriff's Department and apartment management appear to be successful. The level of crime has been reduced in the MacArthur Boulevard area. The Sheriff's Report for August did not indicate any reports of shots being fired anywhere in the Township. The increased patrols by the Sheriff's Department will be expanded to include Ypsilanti Township. Superior Township is one of only two Townships that do not charge the 1% Tax Administration Fee. The other is Salem Township, which benefits from a large landfill that generates significant revenues to their Township. On the morning of September 15, 2009 a deer crashed thru the Assessor's Office window and then exited the Township Hall by crashing thru the window in the Treasurer's Office. No one was hurt, and other than two broken windows, there was no damage. The windows are covered by insurance. The Michigan Township District Meeting is Wednesday, October 7, 2009 in Ann Arbor. Most Board members are attending. The Tax Tribunal granted appeals to several properties with large SEV's. This resulted in a reduction of tax revenues to the Township. The Township is anticipating other successful appeals and reduction in taxable value as sales studies completed in 2009 will be used to determine the taxable value for 2011. Even though this will result in a significant loss in tax revenue to the Township, Supervisor McFarlane is confident the Township will be able to function without raising taxes, or reducing services. He feels the Township has adequate reserves in all funds during this time of falling home values and declining economy. The Township has been involved in discussion with the Willow Run School District to partner with an energy conservation grant. A settlement conference for the Hummana, LLC lawsuit is scheduled for Monday, September 28, 2009. The Board must authorize the administrative staff to represent the Board at the court hearing and propose a settlement. The settlement would require approval by the Board.

It was moved by Green, seconded by McKinney, to authorize the Township Administrative staff to represent the Board at the September 28, 2009 Settlement Conference for the Hummana V. Superior Township lawsuit and to propose a settlement.

The motion carried by unanimous voice vote.

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**B. DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, FIRE MARSHALL, FALSE ALARM REPORT, HOSPITAL FALSE ALARM, ORDINACE OFFICER REPORT, PARK COMMISSION MINUTES, SHERIFF'S REPORT, UTILITY DEPARTMENT AND ZONING REPORT**

It was moved by Caviston, seconded by McKinney, that all reports be received.

The motion carried by a voice vote.

**8. COMMUNICATIONS**

**A. HARMONS' LETTER, RE: KIMMEL DRAIN CLEANING**

The Harmons indicated that for over 20 years they have had a problem with the Kimmel Drain not properly following from their property. They made numerous requests to the Drain Commission/Water Resources Commission to have the drain cleaned, but it was never satisfactorily cleaned.

It was moved by Caviston, seconded by Green, to accept the communication from the Harmons.

The motion carried by a voice vote.

**B. CARNACCHIS' LETTER, RE: TOWNSHIP ROADS**

The Carnacchis indicated that their son had a serious auto accident on Berry Road, between Ford and Plymouth –Ann Arbor Roads, which they attributed to the road just being graded. They also cited Cherry Hill Road, between Prospect and Plymouth Roads and Vreeland Road, between Harris and Prospect Roads, as being unsafe due to ditch work, grading and dust control treatment by the Washtenaw County Road Commission.

It was moved by Caviston, seconded by Green, to accept the communication from the Carnacchis.

The motion carried by a voice vote.

**9. UNFINISHED BUSINESS**

**A. ALLIANCE OF ROUGE COMMUNITIES- TERMINATION OF MEMBERSHIP**

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In his Memo dated September 21, 2009, Supervisor McFarlane recommended the Township terminate its membership in the Alliance of Rouge Communities (ARC). He indicated that on July 20, 2009 the Board approved his recommendation to request termination of the Township's storm water discharge permit from the Michigan Department of Environmental Quality (MDEQ). At that time he also recommended termination from ARC. He cited rising ARC membership costs, \$7,359.00, and the Township's reduced need for ARC's services as reasons for terminating.

It was moved by McKinney, seconded by Caviston, for Superior Charter Township to terminate its membership in the Alliance of Rouge Communities.

The motion carried by unanimous voice vote.

10. **NEW BUSINESS**

**A. UTILITY DEPARTMENT, 2<sup>ND</sup> CONNECTION (YT-03) COST SHARING WITH YPSILANTI COMMUNITY UTILITIES AUTHORITY**

Utility Director Rick Church requested Board approval of an amount not to exceed \$32,000 for upgrades to the water system's 2<sup>nd</sup> Connection (YT-03). These upgrades include replacement of valves to better regulate the water pressure and the installation of a natural gas generator for stand-by power. The total cost for these upgrades is \$64,000 with Ypsilanti Community Utilities Authority paying for the other half. Rick Church and Township Engineers Rhett Gronevelt and Dave Schroeder were present.

It was moved by McKinney and seconded by Caviston that the Superior Township Board concurs with the recommendation of the Utility Director to authorize the expenditure of the Utility Department's funds in an amount not to exceed \$32,000.0 for the improvements, engineering and inspections to Superior 2<sup>nd</sup> Connection to YCUA (YT-03) as outlined in Township Engineer, Rhett Gronevelt's letter dated September 11, 2009.

The motion carried by a unanimous voice vote.

**B. UTILITY DEPARTMENT , 2<sup>ND</sup> CONNECTION (YT-03) ENGINEERING SERVICES**

Utility Director Rick Church requested Board approval to pay OHM \$15,000 for engineering work to resolve reliability problems with the Utility Department's water supply 2<sup>nd</sup> Connection (YT-03). OHM incurred \$37,000 in costs relating to evaluating and making recommendations to resolve the performance problems with the system. OHM is willing to cover \$22,000 of the total costs. Utility Director Rick Church, and Township Engineers Dave Schroeder and Rhett Gronevelt were present.

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It was moved by Caviston and seconded by Lewis that the Superior Township Board concurs with the recommendation of the Utility Director to authorize the expenditure of the Utility Department's funds in an amount not to exceed \$15,000.00 for engineering services completed for the Superior 2<sup>nd</sup> Connection to YCUA (YT-03) as outlined in Utility Director Rick Church's Memo dated September 15, 2009.

Roll call vote:

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

Nays: None

The motion carried.

**C. UTILITY DEPARTMENT, LEASE NEW COPY MACHINE**

Rick Church, Utility Director, and Diana Rivas, Utility Department Office Manager were present. They explained the lease on the Utilities Department copy machine is about to expire. They requested the Board's approval for the Utility Department to lease a new copy machine for a three year period at a total cost of \$230.48 per month. The machine is a Ricoh MPC2050 Black, White and Color copier/printer/scanner/fax. This machine has about the same speed as their existing copier, but has better scan, electronic, copy and print qualities.

It was moved by McKinney and seconded by Lewis that the Superior Township Board concurs with the recommendation of the Utility Director Rick Church and Utility Office Manager Diana Rivas to authorize the Utility Department's to enter into a 36 month lease with RICOH for a new copy machine in the amount of \$230.48 per month as outlined in a Memo from Rick Church and Diana Rivas dated September 17, 2009.

The motion carried by a unanimous voice vote.

**D. UTILITY DEPARTMENT, PURCHASE NEW LAPTOP COMPUTER**

Rick Church, Utility Department Director, and Diana Rivas, Utility Department Office Manager, were present. They requested approval for the Utility Department to purchase a new laptop computer. The computer would be used to complete maintenance reports. The computer would be purchased thru Parhelion Technologies and would be Dell, 15"LCD,

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4 Gig memory, 160 Gig Internal Hard Drive, with a three year complete care damage warranty. It also includes the setup and installation on network and both locations, the transfer of data, a docking station and formatting of another computer.

It was moved by Green and seconded by Lewis that the Superior Township Board concurs with the recommendation of the Utility Director Rick Church and Utility Office Manager Diana Ravis to authorize the Utility Department to purchase a new Dell laptop computer and docking station from Parhelion Technologies for \$2,830.00 as outlined in a Memo from Rick Church dated September 15, 2009 with supporting documentation from Parhelion Technologies.

The motion carried by a unanimous voice vote.

**E. UTILITY DEPARTMENT, NOTE ADDED TO TAX ROLL LETTERS**

In a Memo dated September 15, 2009, Utility Director Rick Church indicated that per the request of Supervisor McFarlane, the following line will be added to all tax roll letters sent out by the Utility Department: The tax rolling of this account may also be subject to a Superior Township assessment of an administration fee. Rick Church was present. Supervisor McFarlane reported that adding a delinquent amount to the tax roll results in additional work for Township staff. The party responsible for the late bill should also be responsible for some of the cost of this extra work.

It was moved by Green, seconded by Caviston to approve the language, “The tax rolling of this account may also be subject to a Superior Township assessment of an administration fee” be added to all tax roll letters being sent out by the Utility Department

The motion carried by a unanimous voice vote.

**F. REVIEW APPLICATION FOR THE DIXBORO GHOST FESTIVAL**

The Dixboro United Methodist Church presented an application to hold the Dixboro Ghost Festival on Friday, October 30, 2009. The event will include square dancing, costume contest, bobbing for apples, pumpkin carving, hay rides and other Halloween related events. Chris Martin and Pastor John Park were present to represent the Dixboro United Methodist Church. Prior to the meeting, they presented copies of the Church’s insurance certificates for liability insurance.

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It was moved by McKinney, seconded by Green, that the Superior Township Board has determined that the Dixboro United Methodist Church's proposal to conduct a "Ghost Festival" on Friday, October 30, 2009 meets the requirements of the Superior Township Zoning Ordinance, including Section 6.05. Therefore, the Township Board accepts the application for review.

The motion carried by a unanimous voice vote.

**G. SET 2010 BUDGET YEAR MILEAGE RATES**

Supervisor McFarlane presented the proposed millage rates for the 2010 Budget year as follows:

General Fund-	.8192 (2009 rate is .8192)
General Fund IFT-	.4096 (2009 rate is .4096)
Fire-	2.90 (2009 rate is 3.00)
Fire IFT-	1.45 (2009 rate is 1.50)
Law-	2.15 (2009 rate is 2.25)
Law IFT-	1.075 (2009 rate is 1.125)

Supervisor McFarlane indicated that the Township has been saving money whenever possible and there are adequate reserves in all funds. This has enabled the Township to make a modest reduction in taxes, but not reduce any services. However, due to the continuing drop in home prices over the past year, Budget Year 2011 may be more difficult.

It was moved by Phillips, and seconded by McKinney, to approve the millage rates for Budget Year 2010 in the amounts of .8192 mills for the General Fund, 2.90 mills for the Fire Fund and 2.15 mills for the Law Fund. The millage rates for the Industrial Facilities Tax (IFT) will be reduced correspondingly by 50%.

The motion carried by a unanimous voice vote.

**H. SET PUBLIC HEARING FOR 2010 BUDGET YEAR**

Prior to the Board approving the budgets for all funds for the 2010 budget year, a public hearing is required. It was proposed to set the public hearing for the next regularly scheduled Board meeting on October 19, 2009

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It was moved by McKinney, seconded by Green to set the public hearing on budgets for all funds for the 2010 Budget year for the next regularly scheduled Board Meeting of Monday, October 19, 2009.

The motion carried by a unanimous voice vote.

**I. 2009 STREET LIGHT ASSESSMENT**

The Streetlight assessment for the 2009 tax roll is calculated to be \$69,933.75. This amount is a straight pass-through. The amount charged by DTE is passed through to the appropriate parcels, with no additional charges added by the Township.

It was moved by McKinney, seconded by Caviston, for the Township Board to approve the 2009 assessment for street lights in the amount of \$69,933.75 and to authorize the Treasurer to add the assessments to the appropriate parcels on the Winter 2009 tax roll.

The motion carried by a unanimous voice vote.

**J. RESOLUTION TO AUTHORIZE ENFORCEMENT ACTION FOR VIOLATIONS OF LAW AND PUBLIC PEACE AT THE SUPERIOR PARTY STORE**

Township officials have been involved in the planning and implementation of numerous initiatives to reduce the criminal behavior in the MacArthur Boulevard area. Law enforcement officials felt that the Superior Party Store has attracted and contributed to the criminal behavior in the area. This past summer, undercover law enforcement officers made several undercover purchases of controlled substances from employees of the store. This led to the execution of a search warrant and the suspension of the store's licenses to sell beer, wine and liquor. It was proposed to authorize the Township's Attorney to continue to take actions to uphold the temporary suspension of the Superior Party Store's licenses to sell alcoholic beverages, to protest the renewal of the licenses and, if necessary to file a civil lawsuit to declare the party store to be a nuisance to the community under applicable Township ordinance(s).

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



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SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
September 21, 2009

**A RESOLUTION TO AUTHORIZE ENFORCEMENT ACTION FOR VIOLATIONS  
OF LAW AND PUBLIC PEACE AT THE SUPERIOR PARTY STORE**

WHEREAS, the Township is authorized by state statute to provide for the public peace and health and for the health and safety of persons and property; and

WHEREAS, the Superior Party Store located at 9045 MacArthur Boulevard is licensed to sell alcohol as a Specially Designated Merchant (SDM) and as a Specially Designated Distributor (SDD) by the Michigan Liquor Control Commission; and

WHEREAS, dangerous and criminal activities at the Superior Party Store have increased over the past two years; and

WHEREAS, a search warrant was issued for the premises after the Livingston and Washtenaw Narcotics Enforcement Team (LAWNET) supervised at least three purchases of controlled substances at the premises as recently as July, 2009; and

WHEREAS, on August 13, 2009, the Michigan Liquor Control Commission issued an emergency suspension of the liquor licenses at the Superior Party Store as a result of the search warrant executed July 31, 2009 at the store which resulted in the seizure of suspected marijuana, a pistol, and drug paraphernalia and revealed several building code violations; and

WHEREAS, after a show cause hearing the Michigan Liquor Control Commission determined that the licenses should remain suspended pending a full hearing before a panel of LCC commissioners; and

WHEREAS, the Washtenaw County Sheriff's Office has reported that during the 13 month period between July 1, 2008 and August 3, 2009, there were 150 calls for service at or near the Superior Party Store including reports of attempted murder, armed robbery, felonious assault and other dangerous crimes; and

WHEREAS, during this same 13 month period, Township officials have received numerous complaints from persons residing near the party store and other interested parties, about the disorderly and criminal behavior occurring in and around the Superior Party Store; and

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WHEREAS, the owner of the Superior Party Store was cautioned in July, 2008 by the Township's Attorney that continued disturbances and criminal activity would result in the Township seeking the revocation of its liquor licenses; and

WHEREAS, the current use is a legal non-conforming use under the Superior Charter Township zoning ordinance; and

WHEREAS, the party store is adjacent to a child day care center and within 500 feet of a library; and

WHEREAS, since the suspension of the liquor licenses, the Washtenaw County Sheriff's Office reports a reduction in crime, disturbances and calls for service at and near the party store; and

WHEREAS, a neighborhood convenience store is a benefit to the neighborhoods adjacent to and near the Superior Party Store, provided it is not the source of dangerous and criminal activity; and

WHEREAS, the Board of Trustees desires to maintain Superior Township as a safe community in which to work, live, raise families, worship and enjoy recreational activities; and

WHEREAS, the elimination of disturbances and criminal activity will help achieve that goal; and

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board authorizes the Supervisor and Township Attorney to take all steps necessary to seek the revocation and/or nonrenewal of the liquor licenses held by ZJM, Inc., the owner of the Superior Party Store, including requesting the Michigan Liquor Control Commission to revoke the licenses or, in the alternative, to deny the renewal of the licenses; and

BE IT FURTHER RESOLVED, the Supervisor and the Township Attorney are authorized to file suit in a court of competent jurisdiction to abate the nuisance presented by the Superior Party Store and to take all necessary steps to ensure that Township ordinances relating to health, safety and welfare are enforced.

Roll call vote:

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

Nays: None

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Absent: None

The motion carried.

**K. RESOLUTION FOR PLACING UNPAID BALANCES ON THE TAX ROLL**

Supervisor McFarlane explained that placing unpaid balances on the tax roll results in additional work for Township staff. It was felt that the persons responsible for creating this additional work should be charged a nominal amount to help defray the additional costs to the Township. It was proposed that a \$30.00 fee be added to the unpaid balance each time an unpaid balance is added to the tax roll. Charges for water bills, lawn cutting and false alarm fines are the charges most frequently tax rolled.

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

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**A RESOLUTION TO DETERMINE FEES RELATED TO THE TREASURER'S  
OFFICE PLACING UNPAID BALANCES ON THE TAX ROLL**

WHEREAS, this Board is authorized by statute and by the provisions of various Township Ordinances to determine by resolution rates, fees and charges for services and actions provided by the Township; and

WHEREAS, placing unpaid balances, which are owed to the Township, on the Tax Roll, results in costs to the Township, including staff wages and costs of materials; and

WHEREAS, if these costs are not reimbursed by the party responsible for creating the unpaid balances, the costs will have to be paid for by all other taxpayers of the Township; and

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board does hereby determine that Tax Rolled Accounts will be charged an administrative fee of \$30.00; and

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BE IT FURTHER RESOLVED, that the administrative fee of \$30.00 shall be applied each time the Treasurer's Office places an unpaid balance on the Tax Roll regardless of the nature of the debt, or which Township Department assessed the debt, or whether other debts and administrative fees are assessed to the same parcel; and

BE IT FURTHER RESOLVED, this Resolution is also adopted as a Policy of the Township Board and shall be entered into the Township Board Policy Manual and numbered accordingly; and

BE IT FURTHER RESOLVED, this Resolution shall be published pursuant to Section 8 of the Charter Township Act, being MCL 42.8 by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – www.superior-twp.org – with notice of such in *The Ypsilanti Courier*, a newspaper of general circulation in the Township, qualified under state law to publish legal notices. The fee determined by this Resolution shall be effective immediately upon publication thereof.

Roll call vote:

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

Nays: None

The motion carried.

**L. POLICY REGARDING RELEASE AGREEMENTS AND PROOF OF INSURANCE, PRIOR TO ENGAGING INDEPENDENT CONTRACTORS TO DO WORK FOR THE TOWNSHIP**

The Township routinely hires independent contractors to perform small jobs. Electrical repair; repair and installation of streets, driveways and sidewalks; maintenance on buildings, are all examples of work performed by independent contractors. In order to better protect the Township, it was proposed to adopt a policy and procedure that requires the verification that the contractors provide verification that they carry workers comp and liability insurance. The contractors are also required to take reasonable actions to ensure that they are employing only legally documented workers.

The following policy was moved by McKinney, seconded by Caviston.

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**SUPERIOR CHARTER TOWNSHIP  
POLICY REGARDING RELEASE AGREEMENTS AND PROOF OF INSURANCE,  
PRIOR TO ENGAGING INDEPENDENT CONTRACTORS TO DO WORK FOR THE  
TOWNSHIP**

PURPOSE:

The purpose of this policy is to establish a consistent method for all Township Departments to follow regarding the signing of the Superior Township Release Agreement, prior to hiring independent contractors to perform work for the Township. It is also to insure that the Township has proof that all independent contractors doing work for the Township have workers' compensation insurance, when appropriate, and liability insurance.

GUIDELINES:

A Release Agreement (Attachment A) must be signed by both the independent contractor and the Township, prior to awarding the work to that contractor. The Township also must be provided with proof that the contractor carries both workers' compensation insurance and liability insurance.

If the independent contractor is a sole proprietor, with no employees, they must fill out a Sole Proprietor form (Attachment B) in lieu of a release agreement. The Township must also be provided with proof that they carry liability insurance.

PROCEDURES:

Once pricing has been established and/or an independent contractor has been chosen to perform a specific task, a set of tasks, or a project for the Township, a Release Agreement (see Attachment A) will be filled out and provided to that contractor for their signature. Once they have signed the Agreement and returned it to the Township, upon review and approval, it will be signed by an authorized Township representative, prior to the commencement of the work. The original of the Agreement will be retained by the Township, along with a copy of the contractor's proof of workers' compensation insurance and liability insurance.

Township personnel who are authorized to sign the agreement are:

- The Supervisor, Treasurer, or Clerk for any department within the Township

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- The Fire Chief for the Fire Department
- The Utility Director for the Utility Department

If the Independent Contractor is a Sole Proprietor, with no employees, they will be provided with a copy of the Sole Proprietor Form (see Attachment B). Prior to the commencement of the work, they will be required to complete the form, have it notarized and return it to the Township, along with proof that they carry liability insurance.

August 27, 2009

Attachment A



RELEASE AGREEMENT

This agreement is made by and between \_\_\_\_\_  
(Vendor) and Superior Charter Township, 3040 North Prospect Road, Ypsilanti, MI  
48198 on \_\_\_\_\_, 20 \_\_\_\_\_.

1.0 Acknowledgments

1.1 Superior Charter Township will issue to Vendor an Acceptance of Proposal under which the Vendor will perform certain services on and/or deliver certain goods to the premises of Superior Charter Township, in consideration for which Superior Charter Township has promised to pay to Vendor the sum of \$\_\_\_\_\_.

1.2 Vendor is aware of the nature of Superior Charter Township's work, purpose, and premises and all hazards to the Vendor, its employees, agents, or subcontractors arising therefrom and out of the nature of the work to be performed by the Vendor on Superior Charter Township's premises.

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1.3 It is the intention of the Vendor and Superior Charter Township that Superior Charter Township, its officers, agents, employees, attorneys, property owners and residents shall not be liable or in any way responsible for damage, loss, or expense resulting to the Vendor, its employees, agents, subcontractors, or any other party, due to accidents, mishaps or injuries, either to person or property, of any kind, arising from any cause whatsoever, except such damage, loss, or expense arising from intentional misconduct by Superior Charter Township, occurring during or in relation to the Vendor's performance of the work specified in the accepted proposal. This provision is not intended and shall not be construed to waive, diminish or abrogate immunity from liability granted by law to Superior Charter Township, its officers, agents, employees, attorneys, property owners and residents.

2.0 Agreement

In consideration of Superior Charter Township's agreement to retain and hire the Vendor, and Superior Charter Township's promise to pay the Vendor as specified and as specified in said proposals, Superior Charter Township and the Vendor agree as follows:

2.1 Vendor will comply with and will cause its employees, agents and subcontractors to comply with all Superior Charter Township safety rules and all rules and standards of applicable state and federal occupational safety and health acts while on Superior Charter Township's premises.

2.2 Vendor expressly releases Superior Charter Township, its officers, agents, employees, attorneys, property owners and residents from all liability or responsibility of any kind arising from the death or injury to persons or the destruction of property resulting from actions or inactions of Vendor or its employees, agents, or subcontractors while performing under said work specified in accepted Proposal. This Release includes, but is not limited to, falls from scaffolding, ladders, catwalks, beams or other high places; mishaps involving equipment; injuries from electric shock; and, injuries from defects in equipment, instruments or devices.

2.3 Vendor and all subcontractors/independent contractors shall carry liability insurance and workers' compensation insurance as required by law and shall deliver evidence of that insurance to Superior Charter Township on demand.

2.4 If Vender is a sole proprietor they shall carry liability insurance as required by law and shall deliver evidence of that insurance to Superior Charter Township on demand.

2.5 Vendor agrees to indemnify Superior Charter Township and its officers, agents, employees, and community from any claim, damage or liability which Vendor, its employees, agents, subcontractors, or any other party may sustain due to the death or

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injury to persons or the destruction of property from actions or inactions of Vendor or its employees, agents, or subcontractors arising out of Vendor's or their performance of work specified in the accepted Proposal. Vendor agrees to reimburse Superior Charter Township any costs incurred as a result of Vendor's failure to carry or provide proof of required or adequate insurance. Such costs include, but are not limited to, actual damages, claims for damages, insurance premiums imposed by Superior Charter Township's carrier or underwriter and attorney fees resulting from Vendor's breach.

2.6 Vendors will use all reasonable means, including E-Verify or any successor program implemented by the Federal Department of Homeland Security and the Social Security Administration when hiring their employees in order to ensure that all of their employees are legally documented workers.

2.7 This Release Agreement is supplemental to say accepted Proposal, which is made a part of this Release.

In witness to and in agreement, the parties execute this Release Agreement as of the date written above.

DATED: \_\_\_\_\_

VENDOR

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

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

DATED: \_\_\_\_\_

SUPERIOR CHARTER TOWNSHIP

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

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

August 27, 2009

The motion carried by a unanimous voice vote.

**M. SEAL COATING OF TOWNSHIP PARKING LOT(S)**

Supervisor McFarlane reported that the North Township Hall parking lot is in need of seal coating and this preventive maintenance can save money in the long run. He



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recommended that bids be requested for the seal coating and that the Township accept the lowest bid from a contractor who meets the requirements of the Township's policy for independent contractors for an amount not to exceed \$1,500.00

It was moved by McKinney, seconded by Caviston to approve the seal coating of the North Township Hall parking lot at a price not to exceed \$1,500.

The motion carried by a unanimous voice vote.

**N. RESOLUTION IN SUPPORT OF EMBRACING ENERGY MANAGEMENT PRACTICES TO SAVE ENERGY AND MONEY**

Clerk David Phillips reported that it is the Township's goal to reduce the energy usage by the Township. This reduction in energy will also result in the decreased costs to the Township. The proposed resolution is to formally announce the Township's embracing these goals.

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

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WASHTENAW COUNTY, MICHIGAN  
SEPTEMBER 21, 2009**

**A RESOLUTION IN SUPPORT OF SUPERIOR TOWNSHIP EMBRACING  
ENERGY MANAGEMENT PRACTICES TO SAVE ENERGY AND MONEY**

**WHEREAS**, Superior Charter Township wants to emphasize the benefits of energy efficiency and conservation, and:

**WHEREAS**, Superior Charter Township wants to demonstrate that energy efficiency and conservation practices can be applied to the daily governmental operations and to infrastructure projects, and;

**WHEREAS**, Superior Charter Township seeks to find methods of service delivery and operations that conserve energy and resources, saving taxpayer dollars and protecting and preserving the environment, and;

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**WHEREAS**, Superior Charter Township recognizes that sound energy efficiency and conservation practices can reduce government costs over the long-term, and;

**WHEREAS**, Superior Charter Township will lead by example to show the practicality and effectiveness of these practices, and;

**WHEREAS**, Superior Charter Township seeks to encourage its citizens and businesses to initiate stewardship activities that benefit the environment and their community, and;

**NOW, THEREFORE BE IT RESOLVED** that the Superior Charter Township accepts, embraces and endorses energy management practices that save energy and money and pledges to work towards reducing the Township's energy consumption and also saving money.

The motion carried by a unanimous voice vote.

**O. MERS HEALTH CARE SAVINGS PLAN ENROLLMENT**

Karen Tyler has been a full-time employee since August 17, 2009. Her mandatory contribution must be approved by resolution by the Township Board.

It was moved by McKinney, seconded by Green, to approve the following Resolution:

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**SUPERIOR CHARTER TOWNSHIP  
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**A RESOLUTION TO CREATE A HEALTH CARE SAVINGS PLAN  
PARTICIPATION AGREEMENT FOR ALL NON-UNION EMPLOYEES HIRED  
ON AUGUST 17, 2009**

WHEREAS, the Township has created a health care saving plan through the Municipal Employees Retirement System of Michigan, and this MERS Health Care Savings Plan is mandatory for all full-time employees,

WHEREAS Karen Tyler has become a full-time employee as of 8/17/09

WHEREAS the mandatory contribution for the MERS HCSP for each employee must be set by the Superior Charter Township Board,

WHEREAS the Superior Charter Township Board permits employees to request what percentage they would like to have deducted and takes this request under consideration in setting the deduction amount,

WHEREAS the employee has submitted a request,

NOW, THEREFORE, BE IT RESOLVED that a MERS HCSP Participation Agreement be created with an effective date of 9/21/09 for:

All Employees hired on 8/17/09, this group consisting of the following employees: Karen Tyler, with a mandatory deduction of 2%.

FURTHERMORE, this mandatory deduction shall be applied to the following types of pay: Regular Pay Only.

FURTHERMORE, this deduction shall take effect the first payroll following the adoption of this resolution.

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The motion carried by a unanimous voice vote.

**P. SET PUBLIC HEARING FOR REVISED WETLAND ORDINANCE**

The Wetlands Board and Township officials and consulting staff have recommended revisions to the Township's Wetlands Ordinance. The changes are mainly minor revisions to update actions and procedures. A public hearing and first reading of the revised ordinance is proposed for the next regularly scheduled Board meeting of October 19, 2009.

It was moved by Phillips, seconded by Lewis, to the set the public hearing for the revised Wetlands Ordinance for the next regularly scheduled Board meeting of October 19, 2009.

The motion carried by a unanimous voice vote.

**11. PAYMENT OF BILLS**

It was moved by McKinney, seconded by Lewis, that the bills be paid, as submitted in the following amounts: General Fund - \$2,567.50, Utilities Fund - \$11,366.83, for a total of \$13,934.33; further that the Record of Disbursements be received as submitted.

The motion carried by a voice vote.

**12. PLEAS AND PETITIONS**

Utility Director Rick Church requested the Board approve the re-lining of a section of a sanitary sewer pipe on Heather Drive. The pipe has had several failures which resulted in sewage backing-up into a resident's basement and Utility Department paying for the cleanup. The contractor completing the repair on the Stamford Road sewer provided a quote to complete the job. It was felt that since the contractor was already nearby, the Township would be able to save money on job.

It was moved by McKinney, seconded by Lewis, to approve the Utility Department to hire Inland Waters to re-line the Heather Drive sanitary sewer pipe at a cost not to exceed \$8,000.00.

The motion carried by a unanimous voice vote.

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**13. ADJOURNMENT**

It was moved by Caviston, supported by Green, that the meeting adjourn. The motion carried by a voice vote and the meeting adjourned at 9:10 p.m.

Respectfully submitted,

David Phillips, Clerk

William McFarlane, Supervisor