

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 1**

1. CALL TO ORDER

The regular meeting of the Charter Township of Superior Board was called to order by Supervisor Ken Schwartz at 7:00 p.m. on July 20, 2020 in a Zoom Virtual Board Meeting.

2. PLEDGE OF ALLEGIANCE

Supervisor Schwartz led the assembly in the pledge of allegiance to the flag.

3. ROLL CALL

The members present were Nancy Caviston, Lynette Findley, Lisa Lewis, Brenda McKinney, Ken Schwartz, Alex Williams, and Meghan Winslow.

Absent: None

4. ADOPTION OF AGENDA

It was moved by Lewis, supported by McKinney, to adopt the agenda with the following addition:

Under New Business Resolution 2020-17, Bills for Payments Submitted by Mersino Dewatering Inc., D & D, and Underground.

The motion carried by unanimous vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF JUNE 15, 2020

It was moved by Caviston, supported by Lewis, to approve the minutes of the Regular Board Meeting of June 15, 2020 as presented.

Trustee Winslow said she had four major concerns with the minutes from the Regular Board Meeting. The first concern noted was the inclusion of the Township Logo in a candidate's campaign signs. Ms. Winslow said that "During citizen participation, Mr. McFarlane addressed concerns surrounding the Township Logo being used on a candidate's campaign sign. My correction would be, 'per the MTA attorney Katherine Malpart public logo would be like any other assist that the township owns. Section 57 of the Michigan Campaign Finance Act stipulates a public body or person acting for a public body must not use or authorize the use of public funds or resources to make a contribution or expenditure to further the nomination.'" In response, Ms. Findley stated 'For a person to run against her is generally not normal to do when she is the incumbent. If you go back in history, generally people do not run against the person who is the incumbent of the same party'. Ms Winslow responded that "It deeply concerns me when an elected

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 2**

official is giving her opinion on what is normal. Ms. Findley failed to mention that her former Deputy Clerk is also running in the upcoming election. Also, Ms. Findley discusses how a picture was used that should have not been used for Meghan's campaign literature that was sent out to everyone in the township. 'That picture is in violation if you say I am in violation'. I did receive permission from the photographer to use the digital copy." Clerk Findley stated that this has nothing to do with the minutes. Supervisor Schwartz stated that there was discussion to correct the minutes and to focus on if they are correct from the meeting or not.

Roll Call:

Ayes: Findley, Caviston, Lewis, McKinney, Schwartz, Williams

Nays: Winslow

Absent: None

The motion to approve the minutes carried.

B. SPECIAL MEETING OF JUNE 29, 2020

It was moved by Lewis, supported by Williams, to approve the minutes of the Special Board Meeting of June 29, 2020 as presented.

The motion carried by unanimous vote.

6. CITIZEN PARTICIPATION

A. CITIZEN COMMENTS

Michael Bendor expressed concern that the Board Meeting had not been properly announced. When he tried to find the meeting, he said that the zoom meeting was not indicated on the agenda. Although it was announced on the second screen scrolling down on the first page of the website, the only way he found this out was by speaking with Clerk Findley. The meeting should have been announced on the agenda per the Open Meetings Act and not doing so should make this meeting invalid. A reasonable person should be able to find it, but he was not able to find it.

Mr. Bendor also received a copy of Clerk Findley's Resolution 2020-19 regarding the establishment of a multi-jurisdiction absent voter count board which should have been included in the Board Packet and was not. Because of the omission, he urged the Board to not vote on the resolution. The resolution requests funding from the township for additional absentee ballot tabulation equipment. He stated that he did not see why the equipment that the township already owns couldn't be used to tabulate the absentee ballots. He also noted that he didn't see a plan for how the various partners would manage the chain of custody of the ballots. He said that in 2016, there were many bad ballots counted in Wayne County which changed the outcome of the Federal Election. The State Supreme Court did not allow Michigan to complete a recount. Mr.

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 3**

Bendor stated that there was ample evidence of malfeasance in that election, and expressed concern that having a multi-jurisdiction Absent Voter Count Board will produce the same problem in Washtenaw County that occurred in Wayne County. Also, there was no reason for the four jurisdictions to combine for an Absent Voter Count Board. He further stated that for Superior township there is no benefit and a high cost. Mr. Bendor urged the Board to vote against the resolution due to a lack of proper notice and that it is a bad idea.

Clerk Findley said that she had no problem pulling the resolution from the agenda but informed the Board that the County needed an answer by August 7, 2020. There can be a special meeting if necessary. Clerk Findley addressed Mr. Bendor's concerns about not having details on the logistics of the resolution. When counties created multi-jurisdiction Absent Voter Count Boards they have experienced issues. The resolution in question had only four jurisdictions; not the entire county. This multi-jurisdiction Absent Voter Count Board would provide savings in the long term. The high-speed tabulator processes 10,000 ballots per minute. Superior Township cannot afford to purchase such a tabulator as it costs over \$100,000. The township has already issued more ballots than were sent out in March 2020. Clerk Findley stated that she published a notice on the township website to encourage voters to return their completed ballots. The majority of ballots were sent out on July 2, 2020, and quite a few voters reported that they had not yet received their ballots. Clerk Findley stated that she has no problem pulling the Resolution from the agenda, but this is something that would be beneficial for future elections.

Mr. Bendor countered that he had been a chairperson for an election before, and he had entered 1,000 ballots through the older tabulators in an hour. He questioned the validity of what Clerk Findley said. He said "You can start counting the ballots at the beginning of the day." He knows this information because he has staffed an election and has been a chairperson.

Clerk Findley stated that the township will need another tabulator and will have to spend the same amount of money as that proposed in the resolution. Clerk Findley agreed to pull this resolution from the agenda.

Supervisor Schwartz agreed to have the zoom meeting information on the agenda for the next meeting. He also began to read the information re holding zoom meetings that is required by an Executive Order.

The next speaker was Tyrone Bridges, who lives at 264 Oregon St., Ypsilanti Township. Tyrone Bridges shared information about the 2020 Brown Family Assistance Project on Nottingham Street. The project's purpose is to make the inside of the home handicap accessible and install a wheelchair ramp. Tyrone Bridges thanks Trustee Winslow and Treasurer McKinney for their assistance with the grass. Tyrone would like to echo to the board that this is not political. This resident and her husband had tragedy happen to them that has confined them both to wheelchairs. This project is only getting bigger. Tyrone stated that he is a former resident of Superior Township and wanted the board to know about the project. Tyrone would like to have an emergency response team put together correctly through his organization and not be overlooked by Washtenaw County staff. Tyrone stated, "if the community can come together and party then why can't they come together and help a family in need during a pandemic". Tyrone Bridges thanked the Board for allowing him to speak during this meeting.

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 4**

Supervisor Schwartz asked Tyrone to state the objective for the Brown Family. Tyrone Bridges said the family needed their lawn taken care of because they were in the hospital for six months. He is not asking for anything but the support and love from the Township Board. Clerk Findley asked for the Brown family's address which is 8861 Nottingham Dr. Clerk Findley informed Tyrone that the address was not stated in the previous email that was sent out or that they were Superior Township Residents. It was not in the email that Trustee Winslow sent out with her \$10 donation. Tyrone stated he called the Deputy Clerk and she stated she would pass the information along when the whole project began. The Deputy Clerk transferred me to the building department and he got help right away. Tyrone asked what the Deputy Clerk did with original request because he contact the Clerk's Office first. Tyrone indicated he called the main phone line and the Deputy Clerk answered. Clerk Findley stated there are several Deputy Clerks.

Trustee Lewis commented that she would love to provide resources to the family according to their needs. Tyrone stated he is the advocate for the whole family. Supervisor Schwartz asked for instructions on donating to the family. Trustee Winslow stated that the GoFundMe page was sent to the Board and the page listed the needs of the family. Trustee Winslow let the Board know that she went to the family's home to see where the wheelchair ramp would be installed. Dana Brown had some questions and concerns about her taxes.

Tyrone asked if someone inboxed him asking who his daughter was. Tyrone stated "if anyone is asking who my daughter is, shouldn't they contact me directly". Supervisor Schwartz asked if it came from Superior Township. Tyrone stated it came from someone seeking office in Superior Township.

Supervisor Schwartz heard that Trustee Winslow donated \$10 and asked if they had an account through a bank. Tyrone stated they have a GoFundMe page through his organization and they have 100% rights to the funds right now. Trustee Winslow will send the board information on the GoFundMe. Trustee Winslow explains that in the information on the GoFundMe page it explains Dana and her husband's different needs, the wheelchair ramp is a major need. Trustee Winslow went to the Brown Family's home and saw that the family is in need of major help. Winslow stated one of Dana's concerns was her taxes and Treasurer McKinney and Trustee Winslow will contact the County about this.

Tyrone stated this is a project that the Township and County can come together and be proud of this mission. Supervisor Schwartz asked Tyrone to email him his telephone number. Tyrone gave the Board his personal number and email. 734-444-4841 tyronebridges@yahoo.com Tyrone urged the Board to see this family's home. None of the family's neighbors ever stopped by the home to ask if everything was okay.

Treasurer McKinney informed Tyrone that she is working on getting some lumber donated for the family and will hopefully know by next week if that will be possible. Supervisor Schwartz asked for the age of the family. Tyrone stated that Dana is 49 years old and was a childhood friend of Tyrone's. As to the finances, Tyrone will let the Board know more details on that later.

7. PRESENTATIONS AND PUBLIC HEARINGS

None

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 5**

8. REPORTS

A. SUPERVISOR REPORT

Supervisor Schwartz reported the following:

- Salem Springs LLC has filed a lawsuit against Superior Township and Salem Township regarding the Salem sewer, as it has been commonly called. The suit addresses four complaints: three against Superior and one against Salem. The three counts against Superior are violation of due process, mandamus which is an order to do something, and super intending control which is where the court would take jurisdiction of the issue and make a decision regarding this. Supervisor Schwartz has referred this information to Fred Lucas, the township's attorney, who has filed acknowledgements and acceptance of summons on behalf of the township. Supervisor Schwartz has a hard copy of this, and the Board has electronic copies. There is a fourth count which requests a declaratory judgement against Salem Township. Salem Springs LLC believes it has been deprived of their rights and obligations under a PUD agreement with Salem Township. Supervisor Schwartz explained that mandamus and super intending control are rarely used, and most courts are not familiar with them. Supervisor Schwartz stated that he believes the Township has done nothing wrong.
- Superior Township staff met with Salem Township staff within a couple of weeks after their application was filed. Superior Township asked Salem Township to submit an escrow payment for the work to be reviewed. The escrow was pending. Supervisor Schwartz asked George at OHM to do some preliminary work on the application, and Superior paid \$1,500 to OHM for their review. Supervisor Schwartz asked George to stop because the escrow was never received. At first, Superior Township asked for \$40,000 and Salem Township objected to it. Superior Township's attorney recommended asking for \$25,000, but Salem Township never paid it. Supervisor Schwartz doesn't believe due process rights were violated. Further, he said there was nothing done that would require the court to take jurisdiction on the matter. There is a whole factual case that would have to be illuminated before the court could even take control. The suit has been given to Fred Lucas, and may also be sent to Superior Township's insurance plan attorney; however, there are no damages.
- Sycamore Meadows: On June 3rd, 4th, and 5th there were several disturbances. As a result of these disturbances, nine eviction notices were sent to tenants. The tenants objected to the eviction notices. According to Judge Jim Fink, there has not been any filings with District Court to follow up with the evictions. The evictions might have been resolved between the tenants and Sycamore Meadows. Law Enforcement were present on those nights because there were numerous shootings, including one that grazed a young child's chin. There has been reports of rowdiness, drinking, and domestic violence.

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 6**

- On Friday, July 17, Supervisor Schwartz requested a grant for hazardous pay for Superior Township's first responders. The State of Michigan Department of Treasury grant, totalling \$13,000 is for \$1,000 per fire fighter, plus the Fire Chief. This is the maximum amount that can be requested. This will be in the August meeting whether we grant hazard pay. Hazard pay has been paid to most first responders in the County.

B. DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, ORDINANCE OFFICER REPORT, PARKS COMMISSION MINUTES, SHERIFF'S REPORT

It was moved by McKinney supported by Lewis, that the Superior Township Board receive all reports.

The motion carried by unanimous vote.

C. UTILITY DEPARTMENT FINANCIAL REPORTS PERIOD ENDING MARCH 31, 2020.

It was moved by McKinney supported by Williams, to receive the Utility Department Financial reports for the period ending March 31, 2020.

The motion carried by unanimous vote.

D. FINANCIAL REPORTS, ALL FUND, AS OF MARCH 31, 2020

It was moved by McKinney supported by Lewis, to receive the Financial Reports, All Funds period ending March 31, 2020.

Supervisory Schwartz explained that the Board may need to do a work session in September because of the devastating impact of the sewer break. Superior Township's financial position will need to be shared with the Utility Department. There are also some issues with Superior Township reserves. Treasurer McKinney would like to let the Board know that her bank reconciliations are up to date.

The motion carried by unanimous vote.

9. COMMUNICATIONS

None

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 7**

10. UNFINISHED BUSINESS

None

11. NEW BUSINESS

A. RESOLUTION 2020-16, RESOLUTION AUTHORIZING JULY 2020 AS PARKS & RECREATION MONTH.

Supervisor Schwartz explained that Juan Bradford wanted to speak on this but was experiencing a power outage at his home.

The following resolution was moved by McKinney supported by Winslow.

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION AUTHORIZING JULY 2020 AS
PARKS & RECREATION MONTH**

**RESOLUTION 2020-16
July 20, 2020**

**Designation of July as Park and Recreation Month
in Charter Township of Superior**

WHEREAS parks and recreation programs are an integral part of communities throughout this country, including the Charter Township of Superior; and

WHEREAS our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 8**

WHEREAS parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS the Charter Township of Superior recognizes the benefits derived from parks and recreation resources

NOW THEREFORE, BE IT RESOLVED BY the Superior Charter Township Board of Trustees, that July is recognized as Park and Recreation Month in the Charter Township of Superior

The resolution carried by unanimous vote.

Trustee Williams asked for the date to be corrected on the Resolution 2020-16.

B. RESOLUTION 2020-17, BILLS FOR PAYMENT SUBMITTED BY MERSINO DEWATERING INC

Supervisor Schwartz stated that he sent everyone a memo from Mary Burton which listed all the bills for the sewer break. It included bills that were paid in May and the ones that are outstanding. Through July 20, 2020 a total of \$322,000 was paid. There are bills totalling approximately \$865,000 that are outstanding due to a late Mersino Bill that wasn't included in Ms. Burton's memo. There was also a quote from Granite Inliner which they have already began to process. There are also quotes from Hutch Paving for the repair and reconstruction of Stamford Rd, which is essentially is being done right now. So far the sewer break is costing the Township 1.7 million. This sewer break should not have happened, and we don't know exactly why this happened either. Supervisor Schwartz is asking for a motion to pay all outstanding bills regarding the sewer break. The insurance claims were denied. Stamford Rd is completely finished, and 18 inches were added onto the road as a bike lane.

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 9**

The following resolution was moved by Williams supported by Winslow.

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION APPROVING THE PAYMENT FOR BILLS SUBMITTED BY
MERISINO DEWATERING INC.**

RESOLUTION NUMBER: 2020-17

DATE: JULY 20, 2020

WHEREAS the sewer system has suffered a major collapse located on Stamford Road;
and,

WHEREAS the Superior Township Utility Department has had the collapsed sewer main
and inceptor repaired; and,

WHEREAS this main is our primary 36" sanitary transmission line that feeds into the
YCUA sewer; and,

WHEREAS, these are the remaining repair invoices the Utility Department has received
to complete the collapsed sewer main

- \$32,267.15
- \$242,777.84
- \$148,926.75

NOW THEREFORE, BE IT RESOLVED that the Superior Township Board of
Trustees hereby approves the proposed invoices in the total amount of \$423,971.74 paid from the
Utility Department reserves.

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 10**

Roll Call:

Ayes: Winslow, Williams, Schwartz, McKinney, Lewis, Findley, Caviston

Nays: None

Absent: None

The resolution carried by unanimous vote.

**C. RESOLUTION 2020-18, BOND RESOLUTION FOR STATE REVOLVING FUND
LOAN FOR THE CLARK ROAD PUMP STATION**

Supervisor Schwartz stated there were only two bids for this pump station. One bid was for \$3.437 million and the second was for \$2.816 million.

George Tsakoff stated that bids were out in late May and opened bids on July 2nd. Both bids were from local contractors. LaSalle is a very good contractor that does a lot of big projects and buildings. They are using multiple sub-contractors to do the work, which is normal. The main sub-contractor is DVM Utilities, a large civil engineer sub-contractor that is also local. They do many trenchless pipe insulations. Approximately 600 feet of pipe needs to be installed by a trenchless method to preserve the woodland areas. Mr. Tsakoff indicated that this was a fairly expensive process. All of the contractors are well-known, and OHM recommends continuing with them. The contingences that we are building in the loan is a good idea due to the depth of the sewer in some areas.

Treasurer McKinney asked for clarification that the interest rate will not exceed 2%. George Tsakoff stated this was correct.

Patrick McGow prepared the bond resolution to authorize the loan in the form of a bond in an amount to not exceed \$3,750,000 which was what original maximum amount was when the township board approved the notice. The state will set the size of the bond towards the end of the month based on the final approve of the costs and bids are in. There is a 6% contingency added into it. This type of bond is a draw down. You only pay interest on what is drawn down for what is actually paid on the constructions. The resolution tonight authorizes it at \$3,750,000. The current estimate is around \$3,285,000, but if you draw less than that you only pay interest on what is drawn. The interest rate is 2%. This is a 20 years loan to pay for these costs. The resolution authorizes the borrowing and the township officials to sign the documents. If approved, then the resolution would go to the state for final approval on August 7th. The actual

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 11**

closing date on the loan is August 28th. After that date, you could give notice to proceed and start construction in the fall. This loan is directly from the state.

Supervisor Schwartz asked about the first payment on October 1, 2022. Patrick McGow explains that this is the first principal payment. April 1, 2020 would be the first interest rate payment.

If the entire amount is borrowed, it would necessitate a 4.5% increase in our utility rates (water & sewer) for each year of the 20-year bond. This does give the board some time to adjust the rates. The condition of the existing pump station on Clark Rd is beyond overdue for replacement. There are going to be changes in rates because of this. There is no publication requirement for this resolution.

The following resolution was moved by McKinney supported by Lewis.

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**BOND RESOLUTION FOR STATE REVOLVING FUND LOAN FOR THE CLARK
ROAD PUMP STATION**

RESOLUTION NUMBER: 2020-18

DATE: JULY 20, 2020

WHEREAS, the Township does hereby determine that it is necessary to acquire, construct, furnish and equip sanitary sewer system improvements, including pump station replacement, gravity sewer and force main improvements, sewer line and manhole rehabilitation, together with all related appurtenances and attachments (collectively, the “Project”); and

WHEREAS, the Project qualifies for the State of Michigan Clean Water Revolving Fund financing program being administered by the Michigan Finance Authority (the “Authority”) and the Michigan Department of Environment, Great Lakes, and Energy (“EGLE”), whereby the bonds of the Township are sold to the Authority and bear interest at a fixed rate of two percent (2.00%) per annum; and

WHEREAS, to finance the cost of the Project, the Township Board deems it necessary to borrow the principal sum of not to exceed Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000) and issue capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”); and

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 12**

WHEREAS, a notice of intent was published in accordance with Act 34 which provides that the capital improvement bonds may be issued without a vote of the electors of the Township unless a proper petition for an election on the question of the issuance of the bonds is filed with the Township Clerk within a period of forty-five (45) days from the date of publication, and no such petition was filed within the requisite period.

NOW THEREFORE, BE IT RESOLVED

1. Authorization of Bonds; Bond Terms. Bonds of the Township designated 2020 CAPITAL IMPROVEMENT BONDS (LIMITED TAX GENERAL OBLIGATION) (the “Bonds”) are authorized to be issued in the aggregate principal sum of not to exceed Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000) as finally determined by order of the EGLE for the purpose of paying the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Bonds. The Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery, payable in principal installments as finally determined at the time of sale of the Bonds and approved by the Authority and either the Supervisor, Treasurer or Clerk (each an “Authorized Officer”). Final determination of the principal amount of and interest on the Bonds and the payment dates and amounts of principal installments of the Bonds shall be evidenced by the execution of a purchase contract (the “Purchase Contract”) between the Township and the Authority providing for sale of the Bonds and each of the Authorized Officers is authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above; provided, however, that the first principal installment shall be due no earlier than October 1, 2020, the total number of principal installments shall not exceed twenty (20), and the total principal amount shall not exceed \$3,750,000.

The Bonds shall bear interest at an interest rate per annum on the par value thereof as evidenced by execution of the Purchase Contract, but in any event not to exceed two percent (2.00%) per annum and any of the Authorized Officers as shall be appropriate shall deliver the Bonds in accordance with the delivery instructions of the Authority. The principal amount of the Bonds is expected to be drawn down by the Township periodically, and interest on the principal amount shall accrue from the date such principal amount is drawn down by the Township.

The Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Bonds shall be payable as provided in the Bond form in this Resolution.

The Bonds or principal installments thereof shall be subject to prepayment prior to maturity by the Township with the prior approval of the Authority.

The Treasurer shall record on the registration books payment by the Township of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Treasurer.

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 13**

Upon payment by the Township of all outstanding principal of and interest on the Bonds, the Authority shall deliver the Bonds to the Township for cancellation.

2. Execution of Bonds. The Supervisor and Clerk are authorized to execute and deliver the Bonds in accordance with the delivery instructions of the Authority. The Bonds of this issue shall be executed in the name of the Township with the manual or facsimile signatures of the Supervisor and Clerk of the Township and shall have the seal of the Township, or a facsimile thereof, printed or impressed on the Bonds. The Bonds bearing the manual or facsimile signatures of the Supervisor and the Clerk sold to the Authority shall require no further authentication.

3. Transfer of Bonds. Any Bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the transfer agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Township shall execute and the transfer agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The transfer agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Township shall not be required (i) to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of Bonds selected for redemption as described in the form of Bonds contained in Section 6 of this Resolution and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Bond so selected for redemption in whole or in part, except the unredeemed portion of Bonds being redeemed in part. The Township shall give the transfer agent notice of call for redemption at least 20 days prior to the date notice of redemption is to be given.

The transfer agent shall keep or cause to be kept at its principal office sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the Township; and upon presentation for such purpose the transfer agent shall under such reasonable regulations as it may prescribe transfer or cause to be transferred on said books Bonds as hereinbefore provided.

4. Limited Tax Pledge; Debt Retirement Fund; Defeasance of Bonds. The Township hereby pledges its limited tax full faith and credit for the prompt payment of the Bonds. The Township shall, each year budget the amount of the debt service coming due in the next fiscal year on the principal of and interest on the Bonds and shall advance as a first budget obligation from its general funds available therefor, or, if necessary, levy taxes upon all taxable property in the Township subject to applicable constitutional, statutory and charter tax rate limitations, such sums as may be necessary to pay such debt service in said fiscal year.

The Treasurer is authorized and directed to open a depository account with a bank or trust company designated by the Township Board, to be designated 2020 CAPITAL IMPROVEMENT BONDS DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited

CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 14

into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds as they mature.

In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

5. Construction Fund; Proceeds of Bond Sale. The Treasurer is authorized and directed to open a separate depository account with a bank or trust company designated by the Township Board, to be designated 2020 CAPITAL IMPROVEMENT BONDS CONSTRUCTION FUND (the "Construction Fund") and deposit into said Construction Fund the proceeds of the Bonds less accrued interest, if any, which shall be deposited into the Debt Retirement Fund. The moneys in the Construction Fund shall be used solely to pay the costs of the Project and the costs of issuance of the Bonds.

6. Bond Form. The Bonds shall be in substantially the following form with such changes or completion as necessary or appropriate to give effect to the intent of this Resolution:

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 15**

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF WASHTENAW

**CHARTER TOWNSHIP OF SUPERIOR
2020 CAPITAL IMPROVEMENT BOND
(LIMITED TAX GENERAL OBLIGATION)**

REGISTERED OWNER: Michigan Finance Authority

PRINCIPAL AMOUNT: Three Million Seven Hundred Fifty Thousand Dollars
(\$3,750,000)

DATE OF ORIGINAL ISSUE: August 28, 2020

The CHARTER TOWNSHIP OF SUPERIOR, County of Washtenaw, State of Michigan (the "Township"), for value received, hereby promises to pay to the Michigan Finance Authority (the "Authority"), or registered assigns, the Principal Amount shown above, or such portion thereof as shall have been advanced to the Township pursuant to a Purchase Contract between the Township and the Authority and a Supplemental Agreement by and among the Township, the Authority and the State of Michigan acting through the Department of Environmental Quality, in lawful money of the United States of America, unless prepaid or reduced prior thereto as hereinafter provided.

During the time the Principal Amount is being drawn down by the Township under this bond, the Authority will periodically provide to the Township a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the Township of its obligation to repay the outstanding Principal Amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this bond.

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth on the Schedule A attached hereto and made a part hereof, as such Schedule may be adjusted if less than \$3,750,000 is disbursed to the Township or if a portion of the Principal Amount is prepaid as provided below, with interest on said principal installments from the date each said installment is delivered to the holder hereof until paid at the rate of two percent (2.00%) per annum. Interest is first payable on April 1, 2021, and semiannually thereafter and principal is payable on the first day of October, commencing October 1, 2022 (as identified in the Purchase Contract) and annually thereafter.

Notwithstanding any other provision of this bond, as long as the Authority is the owner of

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 16**

this bond, (a) this bond is payable as to principal, premium, if any, and interest at the designated office of The Bank of New York Mellon Trust Company, N.A., Detroit, Michigan, or at such other place as shall be designated in writing to the Township by the Authority (the "Authority's Depository"); (b) the Township agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this bond in immediately available funds at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; and (c) written notice of any redemption of this bond shall be given by the Township and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the Township's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the Township shall and hereby agrees to pay on demand only the Township's pro rata share (as determined by the Authority) of such deficiency as additional interest on this bond.

This bond is the single, fully registered, nonconvertible bond in the principal sum of \$3,750,000 issued for the purpose of paying all or part of the cost of capital improvements to the Township's sanitary sewer system, including pump station replacement, gravity sewer and force main improvements, sewer line and manhole rehabilitation, together with all related appurtenances and attachments. This bond is issued under the provisions of Act 34, Public Acts of Michigan, 2001, as amended and a duly adopted resolution of the Township.

This bond is transferable only upon the books of the Township by the registered owner in person or the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent, duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution, and upon payment of the charges, if any, therein prescribed.

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 17**

This bond, including the interest thereon, is payable as a first budget obligation from the general funds of the Township, and the Township is required, if necessary, to levy ad valorem taxes on all taxable property in the Township for the payment thereof, subject to applicable constitutional, statutory and charter tax rate limitations.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the Township, including this bond, does not exceed any constitutional, statutory or charter debt limitation.

IN WITNESS WHEREOF, the Charter Township of Superior, by its Township Board, has caused this bond to be signed in the name of the Township by the [manual][facsimile] signatures of its Supervisor and Clerk and [a facsimile of] its corporate seal [impressed] [to be printed hereon], all as of the Date of Original Issue.

CHARTER TOWNSHIP OF SUPERIOR
County of Washtenaw
State of Michigan

By: _____
Its: Supervisor

(SEAL)

By: _____
Its: Clerk

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 18**

DEQ Project No.: 5695-01
DEQ Approved Amt: \$

SCHEDULE A

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the Bond shall be made until the full amount advanced to the Township is repaid. In the event the Order of Approval issued by the Department of Environmental Quality (the "Order") approves a principal amount of assistance less than the amount of the Bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the Township and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order, or (2) that less than the principal amount of assistance approved by the Order is disbursed to the Township by the Authority, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the Township.

<u>Principal Installment Due on</u>	<u>Amount of Principal Installment</u>
October 1, 2022	\$155,000
October 1, 2023	\$160,000
October 1, 2024	\$160,000
October 1, 2025	\$165,000
October 1, 2026	\$165,000
October 1, 2027	\$170,000
October 1, 2028	\$175,000
October 1, 2029	\$175,000
October 1, 2030	\$180,000
October 1, 2031	\$185,000
October 1, 2032	\$190,000
October 1, 2033	\$190,000
October 1, 2034	\$195,000
October 1, 2035	\$200,000
October 1, 2036	\$205,000
October 1, 2037	\$210,000
October 1, 2038	\$210,000
October 1, 2039	\$215,000
October 1, 2040	\$220,000
October 1, 2041	\$225,000

Interest on the bond shall accrue on principal disbursed by the Authority to the Township from the date such portion is disbursed, until paid, at the rate of 2.00% per annum, payable April 1, 2021, and semi-annually hereafter.

The Township agrees that it will deposit with the Authority's Depository, or such other place as shall be designated in writing to the Township by the Authority payments of the principal of, premium, if any, and interest on this bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise. In the event that the Authority's Depository has not received the Township's deposit by 12:00 noon on the scheduled day, the Township shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment.

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 19**

7. Negotiated Sale of Bonds. The Township hereby determines that it is in the best interest of the Township to negotiate the sale of the Bonds to the Authority because the Clean Water Revolving Fund financing program provides significant interest savings to the Township compared to competitive sale in the municipal bond market. The Authorized Officers are hereby authorized to make application to the Authority and to the EGLE for placement of the Bonds with the Authority.

8. Application to EGLE and Authority; Execution of Documents. The actions taken by the Authorized Officers with respect to the Bonds prior to the adoption of this Resolution are ratified and confirmed. The Authorized Officers are authorized to execute and deliver the Purchase Contract, Supplemental Agreement and Issuer's Certificate to the Authority. Prior to the delivery of the Bonds to the Authority, any Authorized Officer is hereby authorized to make such changes to the form of Bond contained in Section 6 of this Resolution as may be necessary to conform to the requirements of Act 227, Public Acts of Michigan, 1985, as amended ("Act 227"), including, but not limited to changes in the principal maturity and interest payment dates and references to additional security required by Act 227.

9. Approval of Bond Counsel. The representation of the Township by Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield"), as bond counsel is hereby approved, notwithstanding the representation by Miller Canfield of the Authority which may include advising the Authority on its financing programs and borrowings.

10. Approval of Bond Details. The Authorized Officers are each hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters, provided that the principal amount of Bonds issued shall not exceed the principal amount authorized in this Resolution, the interest rate per annum on the Bonds shall not exceed two percent (2.00%) per annum, and the Bonds shall mature in annual installments not to exceed twenty (20) in number.

11. Useful Life of Project. The estimated period of usefulness of the Project is hereby declared to be not less than twenty-five (25) years.

12. Tax Covenant. The Township shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Bond proceeds and moneys deemed to be Bond proceeds.

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 20**

13. Authorization of Other Actions. The Authorized Officers are each authorized and directed to take all other actions necessary or advisable, and to make such other filings with any parties, to enable the sale and delivery of the Bonds as contemplated herein.

14. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

Roll Call:

Ayes: Findley, Caviston, Lewis, McKinney, Schwartz, Williams, Winslow

Nays: None

Absent: None

The resolution carried by unanimous vote.

**D. RESOLUTION 2020-19, RESOLUTION AUTHORIZING A MULTI-JURISDICTION
COMBINED ABSENT VOTER COUNT BOARD AND PURCHASE OF
EQUIPMENT**

This Resolution was pulled from the agenda by Clerk Findley. Treasurer McKinney asked if the Primary Election could happen without this. Clerk Findley explained this would not be ready in time for the Primary.

**E. SOUTHEAST MICHIGAN COUNCIL OF GOVERNMENTS (SEMCOG) ANNUAL
MEMBERSHIP DUES JULY 15, 2020 – JULY 15, 2021**

The motion was moved by Lewis, supported by Caviston.

The motion was carried by unanimous vote.

F. APPROVE PORCH CONSTRUCTION BID FOR DIXBORO SCHOOLHOUSE

The porch is falling forward and needs to be replaced. The bid is for \$29,460 to replace the porch in its historic character. This will complete the exterior of the schoolhouse.

The motion was moved by McKinney, supported by Findley.

The motion was carried by unanimous vote.

Roll Call:

Ayes: Caviston, Findley, Lewis, Winslow, McKinney, Schwartz, Williams

Nays: None

Absent: None

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 21**

G. ACCEPT BID FROM LASALLE CONSTRUCTION FOR CLARK ROAD PUMP STATION

The motion was moved by McKinney supported by Lewis.

The motion carried by unanimous vote.

H. RESOLUTION 2020-20, A RESOLUTION TO TENTATIVELY AWARD A CONSTRUCTION CONTRACT FOR WASTEWATER SYSTEM IMPROVEMENTS

The following resolution was moved by McKinney supported by Lewis.

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION TO TENTATIVELY AWARD
A CONSTRUCTION CONTRACT
FOR WASTEWATER SYSTEM IMPROVEMENTS**

**RESOLUTION NUMBER: 2020-20
DATE: JULY 20, 2020**

WHEREAS , the Superior Charter Township (*legal name of applicant*) wishes to construct improvements to its existing wastewater treatment and collection system; and

WHEREAS, the wastewater system improvements project formally adopted on June 17, 2019, Resolution Number 2019-24 (*date of final project plan adoption*) will be funded through Michigan's CWSRF (*SRF and/or SWQIF Programs*); and

WHEREAS, the Superior Charter Township (*legal name of applicant*) has sought and received construction bids for the proposed improvements and has received a low bid in the amount of \$2,815,997.06 from The LaSalle Group, Inc. (*name of the contractor*); and

WHEREAS , the project engineer, OHM Advisors, has recommended awarding the contract to the low bidder.

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 22**

NOW THEREFORE, BE IT RESOLVED, that the Superior Charter Township (*legal name of applicant*) tentatively awards the contract for construction of the proposed wastewater system improvements project to The LaSalle Group, Inc. (*name of the contractor*), contingent upon successful financial arrangements with the CWSRF (*SRF and/or SWQIF Programs*).

Roll Call:

Ayes: Schwartz, Williams, Winslow, McKinney, Caviston, Findley, Lewis

Nays: None

Absent: None

12. BILLS for PAYMENT and RECORD of DISBURSEMENTS

It was moved by Caviston supported by Findley, to receive bills for payment and record of disbursements.

The motion carried by unanimous vote.

13. PLEAS and PETITIONS

- Trustee Winslow states a response to some of the comments that were made at the last board meeting. “During citizen participation, Mr. McFarlane addressed concerns surrounding the Township Logo being used on a candidate’s campaign sign. He did not use anyone’s name directly in his discussion. Per the MTA attorney advised me that the logo is like any other assets of the township. The next point, it was brought up that a picture of mine that was used should not have been used for campaign literature. I did receive written permission from the photographer to use any of the elected officials’ photos even for campaign purposes. My next point concerns the synopsis. During citizen participation, Mr. McFarlane expressed his second concern surrounding the publication of a synopsis of each regular board meeting. Under the general law, the publication of a synopsis prepared by the Clerk and approved by the Supervisor showing the substance of each separate proceeding of the board should be enough. If you choose not to do it, there are other options, but the board should decide this. It is not an individual decision, but a board decision. The township policy is the publication of notices, ordinances, and synopsis. My next point has to do with the MTA, according to the MTA representative, Elsa Munoz, my information was not submitted to the MTA until I submitted it. My last

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 20, 2020
ADOPTED MINUTES
PAGE 23**

point, the board minutes from May 18, 2020 are incorrect, I did not approve the janitorial proposal from BELFOR and the minutes on the website have not been updated”. Clerk Findley stated they should’ve been updated and thanked Trustee Winslow for letting her know that. Clerk Findley asked Winslow if Trustee Winslow was sure that they weren’t updated. Trustee Winslow stated that as of two days ago, they were not updated. “Going back and reading the minutes from the last board meeting, I just wanted to emphasize that the elected officials set the tone for the board and if a concerned resident brings something to the boards’ attention, we rightfully should listen to those concerns respectfully”.

- Clerk Findley comments to Trustee Winslow “the minutes were corrected, but I will go back and look at that”. “As it relates to the concerned citizen, Trustee Winslow’s father, Bill McFarlane, Supervisor prior to Supervisor Schwartz, I think that is campaigning on board time because this was about you and your candidacy. This is not the right forum for that. You mentioned to me when you called me into Supervisor Schwartz office and Treasurer McKinney was also present and you made an announcement to run for Clerk. I asked you why this position. You said to me because my kids are at an age that I want to get back in the workforce. You didn’t say a word about how you would really like this job. Clerk Findley states, “I like my job. I love my job. At this point and time, I cannot wait till this election is over because I see who is on the call audience right now and I feel you are campaigning. This is not the right forum for this”.
- Trustee Winslow states to Clerk Findley that she has failed to mention that her former Deputy Clerk is also running.
- Clerk Findley asked what does that have to do with anything?
- Trustee Winslow explains that her father, a taxpayer and former supervisor, brought two concerns to the board and does not think that we should criticize him for doing so.

14. ADJOURNMENT

It was moved by McKinney supported by Findley, that the meeting be adjourned. The motion carried and the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Lynette Findley, Clerk

Kenneth Schwartz, Supervisor