

**CHARTER TOWNSHIP OF SUPERIOR BOARD  
SPECIAL MEETING  
APRIL 20, 2021  
ADOPTED MINUTES  
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**1. CALL TO ORDER**

The regular meeting of the Charter Township of Superior Board was called to order by the Supervisor Ken Schwartz at 3:01 p.m. on April 20, 2021 on a Zoom Virtual Board Meeting. Supervisor Schwartz read a script required by the Open Meetings Act.

**2. PLEDGE OF ALLEGIANCE**

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

**3. ROLL CALL**

The members present were Supervisor Ken Schwartz, Clerk Lynette Findley, Treasurer Brenda McKinney, Trustee Nancy Caviston, Trustee Lisa Lewis, Trustee Bernice Lindke, and Trustee Rhonda McGill. All board members stated they were present in Superior Township.

Absent: None

**4. ADOPTION OF AGENDA**

It was moved by Treasurer McKinney supported by Trustee Lindke, to adopt the agenda.

The motion carried by unanimous voice vote.

**5. PUBLIC COMMENTS (Limited to three minutes per person)**

Supervisor Schwartz read a script required by the Open Meetings Act regarding Public Comment and/or Public Hearing.

- Michelle McIntyre, resident of Superior Township for eleven years in Woodside Village subdivision, voiced her concerns with the disruptions to the natural spaces the Salem sewer would bring about in the Township.
- Susan Rosegrant, resident of Superior Township on Prospect Road, shared her concerns with the disruptions the Salem sewer would bring to the bird population in the Township.
- Bill Secrest, resident of Superior Township for thirty-three years on Cherry Hill Road, shared his concerns with the Salem sewer regarding the preservation of mother nature.
- David Zelisse, third generation Superior Township farmer on Gotfredson Road, voiced his opposition of the Salem sewer application due to the proximity of the sewer and his farm.
- Reg Baker, Matthaei Farm Condominium resident, read a letter submitted by the Matthaei Farm Condominium Association.

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- Mary Weidel, Plymouth Township resident in Country Club Village for sixteen years, stated her concerns with the placement of the sewer and how it would change the surrounding communities. She voiced her concerns with the sewer availability and boom in development it would ignite.
- Bill Schikora, resident of Superior Township in Matthaai Farm, commented on the availability and capacity of connecting the Salem sewer to the Western Townships Utility Authority. Section 422 of the drain code requires the Washtenaw County Water Resources Commission's approval when any sewer crosses a county. Bill voiced his concerns regarding this.
- Supervisor Heise, Plymouth Township Supervisor, stated he and the residents of Plymouth Township's concerns with allowing the sewer to be put in and its effect on the quality of life. Salem Township does not have any of the social infrastructures which are needed to support a large-scale development. Plymouth Township is also opposed due to the 20 million dollars of state taxpayer money being used for this project which Plymouth Township had no hand in acquiring this. Supervisor Heise is the chairman of the Western Townships Utility Authority (WTUA). He stated pursuant to the bylaws, another community could not join WTUA without consent of the total board. The infrastructure to connect to the Detroit sewer system no longer exists. All the WTUA flow goes to the Ypsilanti Communities Utility Authority (YCUA) facility. There is a need for additional capacity in the WTUA. Plymouth Township is in opposition of the Salem Sewer application.
- John Copley, resident of Superior Township for forty-six years and served on the Planning Commission for twenty years, stated there is nothing to gain and everything to lose if the Salem sewer application is approved.
- Andrew Dettling, Canton Township resident, voiced his concerns with the Salem sewer regarding the rare bird species and bird watching. He does not want Superior Township to become another Canton.
- Mary Emmett, Superior Township resident, commented on the tremendous efforts of the Township to keep it with its' open spaces. She states her opposition to the Salem sewer application.
- John Rintamaki, Matthaai Farm Condominium resident for thirty years, voiced the support the Superior Township Growth Management Project of opposing the Salem sewer application.

**6. COMMUNICATIONS**

Clerk Findley listed off the email communications submitted by Township residents. The following are the residents who submitted emails.

- Dan Ezekiel
- Richard Maurer
- John Rintamaki
- Daniel Moerman

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- Andrew Dettling
- Ann Alvarez
- Janet Hinshaw
- Bernard Donkerbrook
- Statement from Matthaeci Farm Condominium Association

It was moved by Trustee McGill supported by Trustee Lewis, to receive the written communications.

The motion carried by unanimous voice vote.

**7. NEW BUSINESS**

**A. REVIEW SALEM TOWNSHIP'S APPLICATION TO CONTRACT A SEWER IN A SUPERIOR TOWNSHIP RIGHT OF WAY**

Mr. Edward Plato, attorney representing Salem Township, reported on the following:

- He informed Superior Township that Salem Township really wants to be a good neighbor and is willingly to do whatever it takes to eliminate the concerns of the residents. Mr. Plato provided the Township Board with background information on the project. Salem Township has set aside approximately 1,400 acres surrounding the M-14 and Gotfredson Road interchange for residential and commercial development called the Urban Service District. Salem's Master Plan requires the area be serviced by public water and sanitary sewage disposal. The State of Michigan through the Michigan Economic Development Corporation (MEDC) has awarded Salem Township \$20 million in grant funds to assist Salem Township in providing public water and sewer utilities to Salem's Urban Service District. This will stimulate economic growth and development opportunities within Salem Township. The public water service has been acquired through the Great Lakes Water Authority, and construction of the public water system is currently underway. The project is expected to be completed by the fall of 2021. The public sewer system will connect to the Ypsilanti Communities Utility Authority (YCUA). For YCUA to accept the wastewater from Salem Township, it requires running an underground sewer main in public road right-of-way under Gotfredson Road through Superior Township. Superior Township states in its' ordinances the local septic tanks, sewage disposal facilities, and onsite wastewater treatment plants will be detrimental to the health and safety of the residents of the Township.

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- Salem Township has investigated various alternatives to connect to public disposal systems including Plymouth Township, Lyon Township, Western Townships Utility Authority (WTUA), Wayne County, and YCUA. The reports of those efforts have been provided to Superior Township in the application. On July 1, 2017, Salem Township entered a water transportation and treatment agreement with YCUA. The necessary capacity for Salem Township has been reserved at YCUA through this agreement. In this agreement, Salem Township has exclusive ownership and control of the wastewater transportation including the pipeline running through Superior Township. No other YCUA community member including Superior Township would not be allowed to connect to this wastewater transportation system without Salem Township's approval. The Salem Township wastewater system has obtained the necessary approval from Washtenaw County, State of Michigan, and YCUA. The approval of these regulatory agencies will protect the environment, health, safety, and welfare of Superior Township residents. Salem Township is willing to take any necessary steps to ensure Superior Township that developers could not tap into this sewer line.
- The sewer line will be a force main which would make it very difficult for anyone to tap into this line. A force main sewer line is a pipeline which conveys under pressure from a pump or compressor in Salem Township to the discharge point at YCUA wastewater plant in Ypsilanti. Superior Township has similar sewage disposal in neighboring communities connect to YCUA. The sewer pipe has limited capacity and will only serve the Salem Urban Service District. Salem Township would be the owner of the sewer line. Both townships would enter into an agreement to never allow any landowner to tap into the sewer line. The consent judgment issued by the courts would not allow anyone to tap into this sewer line. This is an added protection. The Superior Township engineers have asked why Salem Township does not build an onsite wastewater treatment plant instead of seeking to run a sewer pipe through Superior Township. Running a sewer main through Superior Township was the only real feasible alternative.

Melissa Coatta, Hubbell, Roth & Clark Inc associate, reported on the following:

- She explained to the Board of Trustees some of the history of the sanitary sewer project. Lyon Township currently does not have any capacity at their wastewater treatment plant. Plymouth Township also has no spare capacity. WTUA does not have any surplus capacity for Salem Township. All three options were not viable options for Salem Township's Urban Service District.

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Brian Simons, Stantec Consulting, reported on the following:

- The wastewater treatment plant evaluation. Stantec Consulting reviewed constructing an onsite wastewater treatment plant but found out YCUA had spare capacity. All permits have been obtained.

Ish Naik, design engineer with Stantec Consulting, reported on the following:

- The sewer will be a force main sewer line. This would make it difficult to tap into in the future. There will be very few structures on the force main sewer to access primarily to allow bypass pumping in case of an emergency. The whole profile of the force main sewer system has been reviewed by the Michigan Department of Environment, Great Lakes, and Energy very closely.

Bruce Wallace, Schostak Brothers & Company Inc., reported on the following:

- Superior Township has the same intentions as Salem Township regarding preserving open spaces and environmental protection. Both Townships have the same ordinances. All the specialists and experts suggest allowing this force main sewer line instead of building another wastewater treatment plant will be best for the environment.

Supervisor Schwartz asked the Board of Trustees if anyone had any questions for Salem Township's representatives. There were no questions.

David Landry, attorney representing Charter Township of Superior, reported on the following:

- The standard which the Board of Trustees are to apply when making the decision to approve or deny the application. The standard is set forth in the Michigan Constitution, Michigan Statutory Law, and Superior Township ordinance. All three serve the same purpose. No one can construct a sewer line through the Township without the Township Board's consent. The Township Board must base their decision on rational reasons.
- Why is this request being made? Salem Township wants to increase development. They have created the Urban Service District and have invited developers to come into the Township to develop commercial and residential areas. Salem Springs LLC has entered a planned unit development (PUD) which will allow them to develop in the Urban Service District. The PUD agreement specifically states the Township is not financially responsible for bringing water or sewer into the Urban Sewer District. Salem Springs LLC would be responsible for this. Salem Springs LLC claims a public health emergency exists and the construction of the sewer pipe through Superior Township is the route.

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- Superior Township has provided the application with OHM Advisors and McKenna to review and advise the Township. The planning review by McKenna suggests Salem Township wants to construct the sewer line through the length of Superior Township. The proposed route is along Gotfredson Road which runs through the heart of the agricultural area. McKenna's report finds "the proposed construction would have serious consequences, thwarting the Township's efforts to preserve and protect its agricultural land and rural open space". Superior Township's master plan describes its residents' visions for the future of the Township. The residents have indicated in the master plan they want to retain a rural character in all of the Township but the southern edge with the bulk of the population living in developed areas south of Geddes Road and the historic hamlet of Dixboro. The land north of Geddes Road, outside of the hamlet of Dixboro, shall be preserved, managed, or developed in a manner that focuses on the long-term retention of agricultural operations, greenspace, and other rural land uses. McKenna notes 72.8% of the Township is maintained in rural land use. There are eight nature preserves in the Township.
- McKenna points out three main threats to agricultural use which include non-farm housing replace farms, incompatibility of non-farm housing being close to active agricultural, and increased property taxes which burdens farmers. Utilities result in urban development. Mr. Landry gave examples of surrounding Townships who have allowed utilities into their areas.
- Salem's master plan states "extension of public sewer services into designated agricultural zones shall be prohibited". McKenna reports, "Salem Township apparently recognizes the deleterious impact the utilities development cycle has on agricultural and rural open spaces. Nevertheless, Salem Township wants Superior Township to cast aside the same utilities and growth management strategy it has adopted and adhered to, just so it can develop its Urban Service District". The wish to provide sanitary sewer service to the Salem Township Urban Service District is by no means an emergency.
- The application was reviewed by OHM Advisors. They have concluded there is no public emergency, and this sewer line through Superior Township is not the only option. The entire sewer line would not be trenchless installation and would be 10 miles in length. OHM reports this would require a large amount of water for flushing. OHM asked where Salem Township proposes the water would come from. Odor issue from release valves is also an issue that has surfaced. OHM reports it is feasible for a small pump station to connect to a force main sewer. The contract Salem Township has with YCUA can be amended by either Salem Township or YCUA. OHM advises there are many feasible options for proposed utilities to the Urban Service District and lists them in their report. Both parties, Salem Springs LLC, and Salem Township, have agreed in writing that it is feasible to construct an onsite wastewater plant at the Urban Service District.

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Treasurer McKinney motioned to deny the Salem Township's application. The reason being the applicant has not established that it meets the criteria set forth in section 169-85 of Superior Township Ordinance No. 169. Specifically, there is no public health emergency set forth in the attached report from OHM. The proposed sewer line is not the only feasible way to avert a public health emergency or to provide sewer services to Salem Township's Urban Service District. Its operations and maintenance issues pose a threat to environmental risks to Superior Township as stated in the attached report from OHM. The existence of the proposed sanitary sewer force main creates a direct threat and is inconsistent to Superior Township's master plan goal of maintaining the land north of Geddes Road as agricultural rural open space as stated in the attached report from McKenna.

Trustee Lindke asked Edward Plato what the public health emergency is. Edward Plato explained there is a development with 554 house which needs to have sewage disposal treatment. The only feasible option is having the force main sewer line through Superior Township.

It was moved by Treasurer McKinney, supported by Trustee McGill to deny Salem Township's application to contract a sewer in a Superior Township right of way.

Roll Call:

Ayes: Trustee Caviston, Clerk Findley, Trustee Lindke, Trustee Lewis, Trustee McGill, Supervisor Schwartz, and Treasurer McKinney

Nays: None

Absent: None

The motion carried by unanimous vote.

**8. PUBLIC COMMENTS (Limited to three minutes per person)**

- Russell Ryan, City of Ann Arbor resident, voiced his opposition of the Salem Township sewer project due to the disruption it would bring to the community regarding the different bird species.
- David Zelisse, third generation Superior Township farmer on Gotfredson Road, continued to share his opposition of the Salem Township sewer project.
- Jay Gardner, resident, and vice chair of the Planning Commission of Superior Township, commented on supporting the action the Board of Trustees took on denying the Salem Township sewer application and question why the developer continued with development without having the sewer issue resolved.
- Jack Smiley, resident of Superior Township on Cherry Hill Road, thanked the Board of Trustees for their vote on denying this application.
- Bill Schikora, resident of Superior Township in Matthaehi Farm, commented on the report from Hubbell, Roth & Clark Inc.

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**9. ADJOURNMENT**

It was moved by Trustee Caviston supported by Treasurer McKinney, that the meeting be adjourned. The motion carried and the meeting adjourned at 4:53 p.m.

Respectfully submitted,

Lynette Findley, Clerk

Kenneth Schwartz, Supervisor