

**CHARTER TOWNSHIP OF SUPERIOR BOARD
SPECIAL MEETING
MAY 31, 2023
APPROVED MINUTES
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1. CALL TO ORDER

The special meeting of the Charter Township of Superior Board was called to order by the Supervisor Ken Schwartz at 6:03 p.m. on May 31, 2023, at the Superior Township Hall, 3040 North Prospect, Superior Charter Township, Michigan.

3. ROLL CALL

The members present were Supervisor Ken Schwartz, Clerk Lynette Findley, Trustee Bernice Lindke, and Trustee Rhonda McGill.

Absent: Trustee Nancy Caviston, Treasurer Lisa Lewis, Trustee Bill Secrest.

4. ADOPTION OF AGENDA

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

The motion carried by unanimous vote.

6. CITIZEN PARTICIPATION

None.

11. NEW BUSINESS

A. CLARK ROAD PUMP STATION REPAIR

Attorney Fred Lucas relayed information from Attorney Ron Deneweth.

Attorney Deneweth (according to Attorney Lucas) does not want the board to discuss the repairs at this time.

Supervisor Schwartz spoke on the current actions taken at the site and verified that it was safe.

Clerk Findley stressed that Supervisor Schwartz should stay on topic and not speak on other's behalf.

Trustee Lindke asked, "how are we accountable to the people if we can't talk about what's going on?"

George Tsakoff, OHM, spoke on Attorney Deneweth's behalf to not discuss the plug because it is a part of the overreaching claim.

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Trustee Lindke expressed her concern about the depletion of the Utility Reserve account.

Clerk Findley asked George Tsakoff who is responsible for monitoring the sinkhole because to her knowledge the property had not been turned over to the Utility Department.

George Tsakoff asked Clerk Findley to refer these questions to Attorney Deneweth.

Clerk Findley and Trustee McGill asked who was overseeing the site.

George said there was nothing going on and a plug in a pipe 30ft deep could not have been seen from the surface.

Trustee McGill asked who is responsible when something happens at the site.

George Tsakoff said the Utility Department responds to alerts, then Rickey Harding, Utility Maintenance Superintendent, contacts OHM for guidance.

Rickey Harding assured the Board he did not desire to “put anyone out” and said he believes the site needs to be monitored.

Supervisor Schwartz said Rickey is monitoring it.

Rickey stressed that he is being “forced” to do so.

Supervisor Schwartz said the Township has not accepted the site at this point, but still has a responsibility.

Clerk Findley asked who is ultimately responsible since the site has not been turned over.

Trustee McGill questioned the possible short staffing.

Supervisor Schwartz said that bypasses are “relatively routine.”

Trustee Lindke questioned who is ultimately responsible and stated that the Board is responsible.

Supervisor Schwartz said it is the Utility Maintenance Department’s responsibility or the Township must hire someone to do it.

Trustee Lindke said she heard uneasiness in Rickey Harding when he was told he would be doing it.

Rickey Harding asserted that he was never instructed to monitor the site and that if he knew, then his team would have been monitoring it.

Supervisor Schwartz and Clerk Findley assured Rickey Harding that he was not responsible.

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Supervisor Schwartz said ultimate responsibility may be determined in litigation.

George Tsakoff said that in the future Rickey Harding will be responsible for monitoring and maintaining the station because that is the only entity that can maintain it.

Rickey Harding said Friday a contractor is coming to start the cleaning process and after that another plug will be added going upstream and it will be braced off.

Clerk Findley stated that if Rickey Harding knew he was responsible maybe it would not have happened.

Rickey Harding interjected “that’s the truth.”

Clerk Findley asked where OHM’s current involvement is.

George Tsakoff said he is doing whatever Rickey Harding asks but is not monitoring the site.

Trustee McGill asked for more details on the Friday “clean up” project.

Rickey Harding explained the Friday project.

Clerk Findley asked Mary Burton, Utility Administrator, if the project had been turned over to Utilities since they are doing all of this.

Mary Burton said officially, no.

Supervisor Schwartz said when everyone is satisfied with the work that the site gets turned over to the Board.

Clerk Findley assured him that she was aware of that fact.

George Tsakoff said he is uncomfortable with what he is hearing, that if the Township terminates a contract with LaSalle, the Township is responsible for what is built and no one else is responsible.

Attorney Lucas said the Township is responsible for maintaining, but that does not ultimately mean its responsible for the cost.

Clerk Findley stated she believes it is a communication issue because if Rickey Harding knew he was responsible then it would have been done.

Trustee McGill asked for daily costs.

Rickey Harding said they signed a month contract with Mersino for \$18,000.00 and the company coming on Friday is \$22,500.00.

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Rickey Harding said tomorrow they are going to try to use the Township vector truck to maintain the water levels to possibly stave off costs.

George Tsakoff asked what the Mersino bill was for.

Rickey Harding stated the Mersino bill was for \$18,000.00 for bypass pump for the month.

Supervisor Schwartz asked who signed it.

Rickey Harding said that he did, "at two in the morning."

Trustee Lindke stressed the need for monthly financial statements and referred to an invoice she received in an email from DVM.

George Tsakoff said DVM has not been paid for anything yet.

Trustee Lindke asked what was unforeseen that the Township is paying for and directed the question of financial statements and the needed reserves that the Utility Department should maintain to Keith Lockie.

Keith Lockie said there is not a formula for that.

Keith Lockie responded to Trustee Lindke saying the only two options are to borrow money or raise the rates.

Keith Lockie said sometime next week they will receive and release first quarter statements.

Keith Lockie stated there is approximately 1.4 million, almost 1.5 million dollars in capital reserves.

Trustee Lindke asked at what point the Township should consider raising the rates.

Supervisor Schwartz spoke on the two options and said there is enough in reserves now, but the Board must seriously consider raising the rates.

Supervisor Schwartz said before the break in the past few years there was over four million in reserves.

Trustee Lindke referenced Keith Lockie stating that there is not enough to cover it.

George Tsakoff said to finish the open cut there is still around 1.5 million on the loan, but they have not received the bids yet.

Trustee McGill asked if there are enough funds considering all current projects.

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Trustee Lindke asked for financial projections and for Mary Burton's thoughts on the matter.

Mary Burton shared details about the project and her concerns on recovering capital reserves considering other things they want to do that have to be put on hold.

Supervisor Schwartz stated that in the June regular meeting there should be a resolution to task Utilities, George Tsakoff, and Keith Lockie to generate projections and a rate study for possible rate increases.

Mary Burton said the UC (Utility Connections) permit fees should be reviewed.

Supervisor Schwartz said there are going to be around 250 new buildings in the next three years.

Trustee Lindke referenced the Hyundai fees and stated that the Township's fees were much lower than adjoining municipalities.

Keith Lockie said, "we should look at all the rates in the utility ordinance."

Trustee Lindke asked for a projection of the possible revenue.

Keith Lockie said he will be at the June board meeting.

Supervisor Schwartz said in the June meeting the Board will make a resolution to do a study of the rates.

Clerk Findley asked who is responsible for paying Attorney Deneweth.

Trustee McGill answered that it was the Township.

Clerk Findley asked George Tsakoff why he was calling Attorney Deneweth without the Board's approval.

Clerk Findley requested to be a party to all phone calls with Attorney Deneweth.

Trustee McGill stressed expediency.

Attorney Lucas stated that this would be difficult, but he would accommodate any requests.

B. ROCK PROPERTY UPDATE

Supervisor Schwartz said he applied for a conservation easement to be accepted by County Parks.

Supervisor Schwartz said he sent it to the Board.

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Trustee Lindke asked if this action was discussed at a Board meeting.

Supervisor Schwartz said yes and claimed he stated that he was going to find someone to accept the easement.

Trustee Lindke requested it be done at a Board meeting and she stated that the Board likes to be a part of the decision-making process.

Attorney Lucas assured Trustee Lindke that the board still must adopt it even if they accept it.

14. ADJOURNMENT

It was moved by Trustee McGill supported by Supervisor Schwartz, that the meeting be adjourned. The motion carried and the meeting adjourned at 6:57 p.m.

Respectfully submitted,

Lynette Findley, Clerk

Kenneth Schwartz, Supervisor