

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
MARCH 15, 2010
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 March 15, 2010, 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, David Phillips, Nancy Caviston, Roderick Green, Lisa Lewis and Alex Williams. Brenda McKinney was absent.

4. ADOPTION OF AGENDA

It was moved by Caviston, seconded by Lewis to adopt the agenda with the addition of The City of Riverview and Class Action v. MDEQ lawsuit regarding storm water permits as item E., under new business.

The motion carried by a voice vote.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF FEBRUARY 16, 2010

It was moved by Caviston, seconded by Green, to approve the minutes of the regular Board meeting of February 16, 2010, as presented.

The motion carried by a voice vote.

6. CITIZEN PARTICIPATION

There was none.

7. REPORTS

A. SUPERVISOR REPORT

Supervisor McFarlane reported on the following:

The Board of Review was in session last week. There were not as many appeals as Supervisor McFarlane expected. He felt the people who appealed were reasonable and well informed. The Township is expecting to lose \$31 million in taxable value, which is

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about 5% decrease. This will result in about \$25,000 less revenue to the General Fund. The 2010 Budget also includes a reduction in State Shared Revenue for 2010 of about \$25,000. However, the Board has already approved a \$50,000 reduction in the 2010 Budget which will offset the reduction in revenue. On April 9, 2010, 6:00 pm, there will be a fund raiser for the Ypsilanti Freight House. Tickets are \$35.00 per person. The event will include food, entertainment and an auction. Money raised will be used for the renovation of the Freight House.

B. DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, FIRE MARSHAL, FALSE ALARM REPORT, HOSPITAL FALSE ALARM, ORDINANCE OFFICER REPORT, PARKS COMMISSION MINUTES, SHERIFF'S REPORT AND ZONING REPORT

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

The motion carried by a voice vote.

C. DECEMBER 2009 FINANCIALS, ALL FUNDS EXCEPT UTILITY DEPARTMENT

Supervisor McFarlane explained that all funds are in excellent shape. There are adequate amounts in all reserve funds. Clerk Phillips commented that in 2009, the Township's General Fund, Fund Balance decreased by about \$100,000. However, the Township's state shared revenue was decreased by \$90,000, interest income decreased by about \$30,000, and the Township spent \$61,000 on the Geddes Road and Harris Road non-motorized trails and almost \$100,000 more than usual on roads. Considering this, the Township's General Fund did well in 2009.

It was moved by Caviston, seconded by Green, that the December 2009 Financials for all funds, except the Utilities Department be received.

The motion carried by a voice vote.

8. COMMUNICATIONS

There were no communications received by the Board.

9. UNFINISHED BUSINESS

There was no unfinished business.

10. NEW BUSINESS

A. WESTERN WAYNE COUNTY MUTUAL AID AGREEMENT

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In 2002 the Township became part of the Western Wayne County Fire Department Mutual Aid Association which provides cooperation between political subdivisions for fire protection and other fire department activities. In April 2007, the Township approved an agreement to add the City of Belleville and Van Buren Township to become part of the association. However, the agreement was rejected by the Governor's office because it was felt a section of the indemnification language was unenforceable. New language was drafted which allows for admitting the City of Belleville and Sumpter Township into the association and also creates a Mutual Aid Box Alarm System (MABAS), which allows for the activation of fire department mutual aid resources within and outside of the existing mutual aid agreement. Superior Township Fire Chief James Roberts recommended that Superior Township approve the Resolution which adopts the new Western Wayne Mutual Aid Association agreement.

Caviston moved, and Lewis seconded the following resolution and also authorized the Supervisor to sign the Amended and Restated Interlocal Agreement.

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

A RESOLUTION FOR APPROVAL OF THE INTERLOCAL AGREEMENT FOR PARTICIPATION OF THE SUPERIOR TOWNSHIP FIRE DEPARTMENT IN THE WESTERN WAYNE MUTUAL AID ASSOCIATION AND MABAS DIVISION

DATE: March 15, 2010

WHEREAS, The Superior Charter Township is a Michigan Charter Township;
and

WHEREAS, Superior Charter Township has the power, privilege and authority to maintain and operate a fire department providing fire protection, fire suppression, emergency medical services, technical rescue, hazardous incident response and other emergency response services ("Fire Services"); and

WHEREAS, Fire Services can further be improved by cooperation between political subdivisions during times of public emergency, conflagration or disaster; and

WHEREAS, the Michigan Constitution of 1963, Article 7,&28, and the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex. Sess., being MCL 124.501 et seq. The Act, permit a political subdivision to exercise jointly with any other

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political subdivision any power, privilege or authority which such political subdivisions share in common and which each might exercise separately; and

WHEREAS, the Superior Township Fire Department desires to enter into an interlocal agreement, pursuant to the Act, to further improve Fire Services; and

WHEREAS, as a result of entering into an interlocal agreement to further improve Fire Services, the Parties are creating the Western Wayne County Fire Department Mutual Aid Association, as a separate legal entity and as a non-profit public body corporate (“the Association”), pursuant to the Cooperation Act; and

WHEREAS, Superior Township Fire Department has the authority to execute this Agreement pursuant to the resolution of its governing body; and

WHEREAS, Superior Township Fire Department desires to commit personnel and equipment to another Party if deemed reasonable upon the request of another Party.

NOW, THEREFORE BE IT RESOLVED: Superior Township Fire Department finds it is the best interest of its citizens from a safety and fiscal standpoint to enter into the Interlocal Agreement creating the Western Wayne County Mutual Aid Association and MABAS Division and agrees to appoint one member to the Association Board.

Roll call vote:

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

Nays: None

Absent: McKinney

RESOLUTION DECLARED ADOPTED

B. TRANSIENT AND AMUSEMENT ENTERPRISES ACTIVITY PERMIT APPLICATION FOR THE 2010 DIXBORO FAIR

Section 6.05 of the Superior Township Zoning Ordinance requires the Township Board to review applications for circuses, carnivals and other transient amusement enterprises. Upon review, the Township Board accepts or rejects the application based upon the activity’s affect on adjoining properties. If the Board accepts the application and the

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activity is conducted by a non-profit organization, the application is forwarded to the Zoning Official for a Certificate of Zoning Compliance. If the activity is conducted by a for profit organization, the organization must apply for a Conditional Use Permit. The Dixboro Fair is conducted by a not for profit organization, the Dixboro United Methodist Church. They have been conducting the fair every year since 1977.

It was moved by Caviston, and seconded by Green, that the Superior Township Board approve the Transient and Amusement Enterprises Activity Permit Application for the Dixboro United Methodist Church to conduct the Dixboro Fair in the Dixboro Village Green on Saturday, August 7, 2010.

The motion carried by a unanimous voice vote.

C. YPSILANTI MEALS ON WHEELS

Ypsilanti Meals on Wheels submitted an invoice to Superior Township in the amount of \$2,150. They indicated that in 2009, they delivered 3,610 meals to 19 clients within the Township, 26% of whom have incomes below the poverty level.

It was moved by Green, seconded by Caviston, to approve Superior Township's contract for 2010 to the Ypsilanti Meals on Wheels in the amount of \$2,150.

The motion carried by a unanimous voice vote.

D. POLICY AND PROCEDURE FOR TOWNSHIP POOL VEHICLE

At the February meeting, the Township Board approved the General Fund's purchase of a Ford Explorer, from the Building Department. The vehicle will be used as a pool vehicle by the Township Hall staff. Supervisor McFarlane drafted a policy and procedure which outlines the use of the vehicle.

It was moved by Caviston, seconded by Lewis, that the Superior Township Board adopt the Policy and Procedure for Township Pool Vehicle, dated March 2, 2010.

**POLICY AND PROCEDURE FOR TOWNSHIP POOL VEHICLE
March 2, 2010**

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PURPOSE: To establish the policies and procedures for the use of the Township pool vehicle.

VEHICLE USE: The Township pool vehicle shall only be used for legitimate Township business. The vehicle shall not be used for lunch breaks or personal errands. Exceptions for lunch breaks shall be made only when the vehicle is needed for extended field use. When employees are required to be in the field more than three hours, lunch breaks may be taken using the Township pool vehicle.

Township vehicles are smoke free. No smoking shall be allowed inside the pool vehicle.

The Assessing Department shall be responsible for fueling and maintaining the vehicle.

**AUTHORIZED
DRIVERS:**

Authorized drivers shall be recognized by Township Administration prior to use.

The drivers of Township vehicles shall obey all traffic laws. The vehicle shall not be driven in a manner or to locations that may subject the vehicle to harm or civil liability. A reasonable expectation of proper use shall be required. Intentional harming or improper use of the vehicle shall be grounds for discipline.

PROCEDURE:

The vehicle keys shall be maintained by the Township Clerk's office. A clipboard with a request for authorized use shall also be maintained in the Township Clerk's office and shall be accessible to the Supervisor and Treasurer in the absence of the Clerk.

A mileage log shall be maintained in the vehicle indicating the starting and ending mileage of each trip. The destination and purpose of each trip shall also be documented.

Employees requesting use of the vehicle shall coordinate with other vehicle users in advance whenever possible. Otherwise, the first employee to sign up will be the authorized user. Disputes shall be presented to Township Supervisor for resolution.

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PROPOSED AMENDMENTS TO BE ADDED TO PERSONNEL POLICY

SECTION 1.13 Travel Reimbursements.

The Township shall only authorize mileage reimbursement expense for drivers who have a valid Michigan driver's license. A copy of a valid Michigan driver's license shall be provided to the Township Clerk prior to submitting a request for mileage reimbursement.

SECTION 5.1 Miscellaneous Work Rules

21) Text messaging and cell phone use shall be prohibited during operation of vehicles while performing Township duties. Vehicles must be stopped in a safe location before use is authorized.

The motion carried by a unanimous voice vote.

**D. THE CITY OF RIVERVIEW AND CLASS V. MDEQ LAWSUIT
REGARDING STORM WATER PERMITS**

The Township recently received notice that Superior Township was named as a participant in a class action lawsuit against the Michigan Department of Environmental Quality regarding storm water permits. The Township had not received any prior notice of this lawsuit. Nor had the Township agreed to be part on the lawsuit. In 2009 the Township had requested to terminate the Township's National Pollutant Discharge Elimination System (NPDES) Certificate of Coverage. The Township was recently informed that the request had been approved. Supervisor McFarlane recommended that because the Township no longer held an NPDES permit, that the Township should request to be excluded and to opt out of the lawsuit. In order to opt out, the Township must provide several written notices by March 31, 2010.

It was moved by Caviston, seconded by Lewis that the Superior Township Board approves Superior Township opting out of The City of Riverview v. MDEQ lawsuit, Ingham County Circuit Court Case No. 09-712-CZ and to authorize the Township Attorney to prepare all necessary communications to accomplish such.

The motion carried by a unanimous voice vote.

11. PAYMENT OF BILLS

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It was moved by Green, seconded by Caviston, that the bills be paid as submitted in the following amounts: General - \$942.50, and Utilities- \$3,907.73, for a total of \$4,850.23 further, that the Record of Disbursements be received.

The motion carried by a unanimous voice vote.

12. PLEAS AND PETITIONS

There were no pleas or petitions.

13. ADJOURNMENT

It was moved by Green, supported by Lewis, that the meeting adjourn. The motion carried by a voice vote and the meeting adjourned at 8:05 p.m.

Respectfully submitted,

David Phillips, Clerk

William McFarlane, Supervisor