

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, DECEMBER 27, 2007

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MI 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
MICHAEL D. KOEHS, CLERK  
MARIE MALBURG, TREASURER  
DINO F. BUCCI, JR, TRUSTEE  
JANET DUNN, TRUSTEE  
ROGER KRZEMINSKI, TRUSTEE  
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel  
Jerome Schmeiser, Planning Consultant  
David Lakin, Engineering Consultant  
(Additional attendance on file at the Clerk's Office)

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

**ROLL CALL**

1. Clerk KOEHS called the roll and the Board of Trustees was present.

**APPROVAL OF THE AGENDA**

2. The agenda was reviewed and item #15 was tabled to the meeting of January 14, 2008.

**MOTION by DUNN seconded by MALBURG to approve the agenda as amended.**

**MOTION carried.**

**APPROVAL OF THE BILLS**

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

**MOTION by NEVERS seconded by KRZEMINSKI to approve both bill runs as presented.**

**MOTION carried.**

**APPROVAL OF THE PREVIOUS MEETING MINUTES**

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, DECEMBER 27, 2007

4. The minutes of the previous meeting held on December 12, 2007 were reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by BUCCI seconded by KRZEMINSKI to approve the minutes of the meeting of December 12, 2007 as presented.**


**MOTION carried.**

5.  **Consent Agenda Items:**



A. Clerk's Department:

1. Monuments and Irons Bond Release; Parkview Commons; Elro Corporation, Petitioner.
2. Monuments and Irons Bond Release; Westwood Estates Subdivision; D & K Land Developers, Petitioner.
3. Monuments and Irons Bond Release; Huntington Woods Subdivision; Huntington Woods Estates, Petitioner.
4. Wall Sign Bond Release; AT & T Wireless; Heilman and Son, Petitioner. Permanent Parcel No. 08-34-351-003.
5. Wall Sign Bond Release; Gardner White Furniture; Terry Burns, Petitioner. Permanent Parcel 08-31-300-011.
6. Monuments and Irons Bond Release; Park Lane Subdivision; Park Lane Properties, Petitioner. Permanent Parcel No. 08-36-101-011.
7. Sidewalk Bond Release; Park Lane Subdivision; Park Lane Properties, Petitioner. Permanent Parcel No. 08-36-101-011.
8. Wall Sign Bond Release; Wendy's/Tim Hortons; Metro Detroit Signs, Petitioner. 08-35-477-035.
9. Model Bond Release; Sumpter Forest – Lot 282; Michaelangelo Construction, Petitioner. 18587 Sumpter Forest Drive.
10. Model Bond Release; Beaufait Farms – Lot 46; Harvest Homes, Petitioner. 46870 Farmall Trail.
11. Release of Utilities & Paving Bond; Rockwood Estates; R & C Land Development, Petitioner. Permanent Parcel No. 08-28-376-007.
12. Release of Monuments and Irons Bond; Rockwood Estates; R & C Land Development, Petitioner. Permanent Parcel No. 08-28-376-007.
13. Release of Monuments and Irons Bond; Parkview Commons No. 2; Elro Corporation, Petitioner. Permanent Parcel No. 08-23-100-015.
14. Release of Wall Sign Bond; Pools/Whirlpools; James Grabowski, Petitioner. Permanent Parcel No. 08-31-331-001.
15. Release of Wall Sign Bond; Willies Donuts; Continental Signs, Petitioner. Permanent Parcel 08-25-351-009.

B. Water/Sewer Dept.

1.  Easement Encroachment Agreement; Donald Gottshall and Susan Gottshall; 16317 Forest Way, Lot 63, The Rivers Subdivision.

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, DECEMBER 27, 2007

2.  Easement Encroachment Agreement; Dale Garrish and Holly Garrish; 47814 Lavender Court; Lot 292, Summerfield Estates.
3.  Easement Encroachment Agreement; Patrick F. Neff, 54520 Jack Drive, Lot 139, Altermatt Farms Subdivision No. 2.

Supervisor BRENNAN reviewed this matter and asked if any of the Board members wanted to remove any item from the Consent Agenda and place it for discussion on the regular agenda.

**MOTION by DUNN seconded by NEVERS to approve the Consent Agenda as presented.**

**MOTION carried.**

6. **Public Comments**

Mr. Armand Velardo spoke on behalf of the licensee of item #11.

7. **Audit Report – Plante & Moran**

Ms. Lisa Vargo from Plante and Moran stated that the audit conducted of Macomb Township for the 2006-2007 year was again given the highest rating that her company could award.

8. **Update by Sheriff Mark Hackel – *(Informational only)***

**NEW BUSINESS**

9.  **Request to Move the Board of Trustees Meeting Date** from January 7, 2008 to January 14, 2008.

Clerk KOEHS reviewed this matter and stated that due to a conflict with election worker Training he is recommending that this meeting be moved to January 14, 2008, and that this matter be approved.

**MOTION by BUCCI seconded by DUNN to approve changing the meeting date for the Board of Trustees from January 7, 2008 to January 14, 2008.**

**MOTION carried.**

10.  **Request to Pay Membership Dues;** Clinton River Watershed Council.

Supervisor BRENNAN reviewed this matter and stated that this is a worthwhile membership for the Township and stated his recommendation for renewing the dues for 2008 in the amount of five thousand dollars (\$5,000.00).

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, DECEMBER 27, 2007

**MOTION by MALBURG seconded by KRZEMINSKI to approve payment of the 2008 dues for the Clinton River Watershed Council in the amount of five thousand dollars (\$5,000.00).**

**MOTION carried.**

11. **Resolution to Revoke Liquor License issued in the name of Lek Dekaj.**

Township Attorney Lawrence Dloski reviewed this matter and indicated the options that were available to the Board of Trustees.

Armand Velardo, representing the License Holder, was present and stated his position earlier, during the Public Portion of the meeting.

**MOTION by KREMINSKI seconded by NEVERS to adopt the following resolution to revoke the liquor license issued in the name of Lek Dekaj based on the following Findings of Fact:**

**MACOMB TOWNSHIP  
MACOMB COUNTY, MICHIGAN**

**FINDINGS OF FACT  
REGARDING  
REVOCATION HEARING OF CLASS C LICENSE  
ISSUED IN THE NAME OF  
LEK DEKAJ (CURRENTLY IN ESCROW)**

**WHEREAS**, the Macomb Township Board of Trustees conducted a hearing on December 12, 2007, regarding the revocation of a Class C Liquor License issued in the name of Lek Dekaj; and

**WHEREAS**, at the hearing the following facts were established:

1. On November 5, 2007, the Macomb Township Clerk mailed to Lek Dekaj (Licensee) by first class mail, certified, return receipt requested, notice of the hearing, charges, supporting documents, and advised the licensee of his right to be present at the hearing, confront witnesses who may testify with regard to the charges, present witnesses, evidence and arguments as to why the Township Board of Trustees should not recommend revocation of the Licensee's Class C. License.
2. The hearing commenced at approximately 7:20 p.m.
3. The Licensee appeared at the hearing with his attorney, Armand Velardo.
4. Lt. Gary J. Paolella of the Macomb County Sheriff Department presented testimony regarding the Licensee's application for transfer of the license from his individual name to a limited liability corporation and for an additional bar.

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, DECEMBER 27, 2007

5. The Licensee completed the application on a standard Macomb County Sheriff Department form on August 29, 2006.
6. The application contains the following **“Any false or misleading answer or information made or provided as part of this statement may result in the delay or denial of license approval.”**
7. Lt. Gary J. Paoella testified that the Licensee was not truthful or conveniently left out important details in completing the application to wit:
  - i. Failed to provide his marital status, list of home addresses for past ten years and present occupation;
  - ii. Failed to list Licensee’s alien registration card number and provide the Macomb County Sheriff Department with a copy of the same;
  - iii. Failed to provide the Macomb County Sheriff Department with an alien “permit to work”, US Employment documentation;
  - iv. Indicated on the application that Licensee/Operator license was never revoked or suspended; The Law Enforcement Network (LEIN) confirms several past license suspensions, in fact, at the time Licensee completed and signed the application on August 29, 2006, his license was suspended.
8. Lt. Gary J. Paoella was cross examined by the Licensee’s attorney.
9. Jerome Schmeiser, the Macomb Township planning consultant testified that dancing and entertainment is only allowed in Macomb Township in a C-4 zoning classification.
10. The Licensee utilized the license at 16780 -Twenty One Mile Road, Macomb, MI 48044 in the Township of Macomb, County of Macomb. The Licensee operated at that location under the trade name of Insomnia, LLC.
11. 16780 - Twenty One Mile Road, Macomb Township, Michigan is located at Twenty One Mile and Garfield Roads in the Country Meadow Shopping Center. 16780 - Twenty One Mile Road, Macomb Township, MI. The property is zoned C-3.
12. Dancing and entertainment is not permitted in a C-3 zoning district.
13. On October 16, 2007, Jerome Schmeiser and the Township Building Official, Robert Beckett, visited the interior of 16780 - Twenty One Mile Road, Macomb, Michigan. Mr. Schmeiser testified that he observed a dance floor had been constructed and along the dance floor was a sound booth.
14. Jerome Schmeiser was cross examined by Licensee’s attorney.

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, DECEMBER 27, 2007

15. The Licensee testified and was examined by his attorney.
16. On cross examination, the Licensee admitted:
  - i. He provided incomplete and/or false information on the Macomb County Sheriff Department application to transfer the license from his name to an LLC and for an additional bar.
  - ii. He had allowed, maintained and/or permitted entertainment in the form of live music and bands.
  - iii. Installed a dance floor and sound booth
17. The Licensee did not have a dance and entertainment permit.
18. Licensee's legal counsel made a statement to the Township Board of Trustees as to why the Township should not recommend the Liquor Control Commission revoke the license.
19. The hearing was concluded at approximately 9:45 p.m.

**TOWNSHIP OF MACOMB  
MACOMB COUNTY, MICHIGAN  
RESOLUTION  
REQUESTING THE MICHIGAN LIQUOR CONTROL COMMISSION  
REVOKE THE CLASS C LICENSE ISSUED TO LEK DEKAJ**

**WHEREAS**, the Macomb Township Board of Trustees ("Township") conducted a hearing on December 12, 2007 regarding the revocation of a Class C Liquor License issued to Lek Dekaj, currently held in escrow and formerly used to conduct business at 16780 - Twenty One Mile Road, Macomb, Michigan; and

**WHEREAS**, prior to the hearing, notice, charges and supporting documents were mailed to Lek Dekaj at 42355 Polo Cr. #6, Sterling Heights, Michigan 48313; and

**WHEREAS**, Lek Dekaj and his attorney, Armand Velardo, appeared at the Board of Trustees meeting on December 12, 2007; and

**WHEREAS**, Lt. Gary J. Paoella, of the Macomb County Sheriff Department and Jerome Schmeiser, the Macomb Township planning consultant, testified to establish the charges and were cross examined by the Licensee's attorney; and

**WHEREAS**, Lek Dekaj testified and was cross examined by the Township; and

**WHEREAS**, the Township has adopted findings of fact from the hearing which findings are attached and identified as Exhibit A; and

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, DECEMBER 27, 2007

**WHEREAS**, the hearing established that Lek Dekaj engaged in the following conduct when completing the standard Macomb County Sheriff Department's LCC application to transfer the license from his individual name to a limited liability company, and for an additional bar:

- Was not truthful or conveniently left out important details, i.e., marital status, present occupation, and prior list of home addresses;
- Licensee is not a U. S. Citizen and failed to list his alien registration card number and provide the Sheriff Department with a copy of the same;
- Licensee failed to provide the Sheriff Department with an alien "permit to work", U.S. Employment documentation;
- Licensee indicated on application his operator's license was never revoked or suspended; LEIN confirmed several past license suspensions;
- According to LEIN, applicant's Michigan operator's license was not valid as of the date Licensee signed the transfer application; and

**WHEREAS**, the Licensee permitted, allowed and engaged in entertainment at 16780 - Twenty One Mile Road, Macomb Township, MI in the form of live music and bands without an entertainment permit; and

**WHEREAS**, the Licensee installed a dance floor at 16780 - Twenty One Mile Road, and allowed, encouraged or permitted dancing without a dance permit; and

**WHEREAS**, the installation of the dance floor and sound booth constitute violation of the Macomb Township Zoning Ordinance which does not permit precludes dance and entertainment in a C-3 zoning district; and

**WHEREAS**, the Licensee permitted, allowed and/or engaged in dancing and entertainment at 16780 - Twenty One Mile Road without obtaining a dance and entertainment permit from the Michigan Liquor Control Commission nor approval from the Township; and

**WHEREAS**, the above conduct of the Licensee violates LCC administrative rule 436.1011(4) by hindering or obstructing a law enforcement officer in the course of making an investigation by making false and misleading statements in his application for transfer of a Class C license from Licensee's name to a limited liability corporation; and

**WHEREAS**, the above conduct of the Licensee violates Chapter 3, Article I, Section 3-6(b) and Chapter 3, Article I, Section 3-7 of the Township Code of Ordinances pertaining to alcoholic beverages.

**NOW THEREFORE**,

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, DECEMBER 27, 2007

1. The Macomb Township Board of Trustees request that the Michigan Liquor Control Commission revoke the Class C liquor license issued in the name of Lek Dekaj and currently held in escrow.

**AYES:** Members: KRZEMINSKI, NEVERS, BUCCI, DUNN, MALBURG, KOEHS, BRENNAN

**NAYS:** Members: NONE

**RESOLUTION DECLARED ADOPTED, MOTION carried.**

**HUMAN RESOURCES**

12.  Request to Renew Service Agreement with Greater Detroit Heating & Cooling, Inc.

Mr. John Brogowicz, Human Resources Director, reviewed this service agreement and stated his recommendation for approval.

**MOTION by KOEHS seconded by DUNN to approve the request to renew the Service Agreement with Greater Detroit Heating & Cooling, Inc. for a period of one year in the amount of five thousand seven hundred seventy seven dollars (\$5,777.00).**


**MOTION carried.**

13.  Change on Firefighter's Insurance.

Mr. John Brogowicz, Human Resources Director, reviewed this matter and stated that the fire fighters were in favor of this and he further stated his recommendation for approval.

**MOTION by DUNN seconded by NEVERS to approve the change in the fire Fighter's medical insurance as proposed.**

**MOTION carried.**

14.  Annual Salary Review for Non-Represented Positions including Boards, Commissions, Part-time Employees and Legal Counsel.

Mr. John Brogowicz, Human Resources Director, reviewed this matter and stated his recommendation for approval.

**MOTION by KRZEMINSKI seconded by BUCCI to approve the proposed changes for the Deputy Officials compensation and to deny all other proposed changes.**

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, DECEMBER 27, 2007

**MOTION carried.**

15.  Request to Initiate Recruitment Process for Parks & Recreation.

*(This matter was tabled to the meeting of January 14, 2008.)*

**FIRE DEPARTMENT**

16.  Fire Station # 3 Training Tower-Change Order No. 1, SDA Job No. MA07-015

Mr. David Lakin, Township Engineer, reviewed this matter and stated the technical reasons at the Training Tower site which require this change order. He further stated his recommendation for approval.

**MOTION by BUCCI seconded by DUNN to approve Change Order No. 1 for the Fire Training Tower in the amount of thirty one thousand seventy five dollars (\$31,075.00).**

**MOTION carried.**

**WATER AND SEWER DEPARTMENT**

17.  MDOT Annual Permit

Mr. David Koss, Water & Sewer Superintendent, reviewed this annual matter and stated his recommendation for approval.

**MOTION by DUNN seconded by KOEHS to approve the application for the MDOT Annual Permit as presented.**

**MOTION carried.**

18.  MDOT Performance Resolution for Governmental Bodies

Mr. David Koss, Water & Sewer Superintendent, reviewed this matter and stated his recommendation for approval.

**MOTION by KRZEMINSKI seconded by MALBURG to approve the Michigan Department of Transportation Performance Resolution for Governmental Bodies as follows:**

**RESOLVED WHEREAS, the Township of Macomb hereinafter referred to as the "GOVERNMENTAL BODY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;**

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, DECEMBER 27, 2007

**NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL BODY agrees that:**

**Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.**

**This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.**

**This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.**

**1. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.**

**2. The GOVERNMENTAL BODY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.**

**3. It will, by its own violation and/or request by the DEPARTMENT, promptly restore and/or correct physical or operation damages to any State Trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL BODY'S facilities according to a PERMIT issued by the DEPARTMENT.**

**4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.**

**5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT for requiring additional performance security or insurance of a PERMIT.**

**6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the**

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, DECEMBER 27, 2007

**GOVERNMENTAL BODY** with regard to any **PERMIT** which has already been issued or activity which has already been undertaken.

**BE IT FURTHER RESOLVED**, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunk line right of way on behalf of the **GOVERNMENTAL BODY**;

Name	Title
David Koss	Water and Sewer Superintendent
Gerry Wangelin	Water and Sewer Assistant Superintendent
John Brennan	Supervisor, Macomb Township

**AYES:** KRZEMINSKI, MALBURG, NEVERS, DUNN, BUCCI, KOEHS, BRENNAN  
**NAYS:** NONE  
**ABSENT:** NONE

**RESOLUTION DECLARED ADOPTED, MOTION carried.**

19. Purchase Requisition – SLC Meter Service

Mr. David Koss, Water and Sewer Superintendent reviewed this matter and stated that this was standard stock materials and further stated his recommendation for approval.

**MOTION by BUCCI seconded by MALBURG to approve the purchase requisition from SLC Meter Service in the amount of fifty nine thousand four hundred ninety five dollars and four cents (\$59,495.04).**

**MOTION carried.**

**BOARD COMMENTS**

20. Supervisor Comments:

A. Review of the Windows in the Clock Tower.

Supervisor BRENNAN reviewed this matter and described the repairs that were needed in the Clock Tower area of the Town Hall. He indicated that the cupola would be replaced and that the windows in the Tower would also be replaced. He recommended that the Board approve the ordering of the windows now so this project could remain on schedule.

**MOTION by DUNN seconded by NEVERS to approve the ordering of the windows for up to twelve thousand dollars (\$12,000.00).**

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, DECEMBER 27, 2007

- 21. Clerk Comments: NONE
- 22. Treasurer Comments: NONE
- 23. Trustees Comments: NONE

**ADJOURNMENT**

**MOTION by BUCCI seconded by KOEHS to adjourn the Board of Trustees meeting at 7:42 p.m.**

**MOTION carried.**

Respectfully submitted,

---

John D. Brennan  
Macomb Township Supervisor

---

Michael D. Koehs, CMC  
Macomb Township Clerk