

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, JANUARY 14, 2008

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  
James VanTiflin, 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 items 7 and 9a were tabled to the meeting of January 23, 2008 and item 8b and 9c were added.

**MOTION by DUNN seconded by BUCCI 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.**

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**APPROVAL OF THE PREVIOUS MEETING MINUTES**

4. The minutes of the previous meeting held on December 27, 2007 were reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by MALBURG seconded by DUNN to approve the minutes of the meeting of December 27, 2008 as presented.**

**MOTION carried.**

5. **Consent Agenda Items:**

A. Clerk's Department:

1. **Model Bond Release;** Parkview Commons – Lot 1; MER Building Company, Petitioner. 50936 Commons Drive.
2. **Manhole Structure Bond Release;** Huntington Woods #3; Huntington Woods Estates, Petitioner.
3. **Site Plan Bond Release;** Regency Commerce Unit 23; Metropolitan Construction Company, Petitioner.
4. **Sidewalk and Landscape Bond Release;** Dimension Machine Tool #2; Concorde Construction, Petitioner.
5. **Site Plan Bond Release;** Metro PCS Co-Location 1353A at Water/Sewer; MetroPCS Wireless, Inc., Petitioner.
6. **Wall Sign Bond Release;** J & W Mobil 2 Mobil; Jonathan Mashini, Petitioner. 21477 21 Mile Road.
7. **Wall Sign Bond Release;** Maggie and Company Salon and Spa; Reliable Sign Service, Inc., Petitioner. 48872 Romeo Plank Road.

B. Water/Sewer Dept.

1. **Easement Encroachment Agreement;** Gerald and Deborah Romanko, 48021 Kings Court, Lot 101 Manor Place Subdivision.

C. Department Monthly Reports:

1. Building Department
2. Fire Department
3. Macomb County Sheriffs Department
4. Parks and Recreation Department
5. Water/Sewer Department

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.

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**MOTION by BUCCI seconded by KOEHS to approve the Consent Agenda as presented.**

**MOTION carried.**

**6. Public Comments**

None

**NEW BUSINESS**

7.  Final Review - Class C Liquor License – Guiseppi's Trattoria

*(This matter has been tabled to the meeting of January 23, 2008)*

**HUMAN RESOURCES**

8.  Request to Initiate Recruitment Process for Parks & Recreation Position.

Mr. John Brogowicz, Human Resources Director, reviewed this matter and stated that this was the first step in the recruitment process. He further stated his recommendation for approval.

**MOTION by DUNN seconded by KRZEMINSKI to approve the request to initiate the recruitment process for a Parks & Recreation position.**

**MOTION carried.**

8B. Request to grant a Family Medical Leave Act Leave of Absence.

Mr. John Brogowicz, Human Resources Director, reviewed this matter and stated that the employee has been under a physicians care since December 13, 2007 and is requesting that this leave be granted commencing from that date.

**MOTION by BUCCI seconded by KOEHS to approve the Family Medical Leave Act Leave of Absence as requested commencing from December 13, 2007.**

**MOTION carried.**

**BOARD COMMENTS**

9. Supervisor Comments:

A. Appointment to the Board of Review.

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*(This matter has been tabled to the meeting of January 23, 2008)*

B. Adoption of 2008 Real Property Tax Poverty Exemption Resolution.

Supervisor BRENNAN reviewed this resolution and indicated that it would set the poverty exemption level at 135% of the federal minimum. He further stated his recommendation for approval.

**MOTION by KOEHS seconded by DUNN to adopt the following resolution:**

TOWNSHIP OF MACOMB  
COUNTY OF MACOMB, STATE OF MICHIGAN  
REAL PROPERTY TAX POVERTY EXEMPTION RESOLUTION

Memorandum of Resolution made and adopted at a Regular Meeting of the Board of Trustees of Macomb Township, Macomb County, Michigan, held in the Macomb Township offices on Monday the 14<sup>th</sup> of January, 2008.

MEMBERS PRESENT: Koehs, Dunn, Nevers, Malburg, Bucci, Krzeminski, Brennan

MEMBERS ABSENT: None

The following preamble and resolution were offered by Member KOEHS and supported by Member DUNN:

Whereas, Section 211.7u of Act No. 206 of the Public Acts of 1893, as amended, provides that the homestead of a person who, in the judgment of the Supervisor and Board of Review, by reason of poverty, is unable to contribute toward the public charges are eligible for exemption in whole or in part from taxation under the Act; and,

Whereas, said section provides certain eligibility requirements for exemption under said section; and,

Whereas, said section requires that an applicant meet the federal poverty income standards as defined and determined annually by the United States Office of Management and Budget or alternative guidelines adopted by the governing body of the local assessing unit; provided, however, such alternative guidelines do not provide income eligibility requirements less than the federal guidelines; and,

Whereas, the Board of Trustees of the Township of Macomb is the governing body of the local assessing unit; and,

NOW, THEREFORE, BE IT RESOVED that the following standards be adopted in relation to applications for the Real Property Poverty Exemptions:

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In order to qualify for the Poverty Exemption, the claimant MUST meet all of the following requirements. It may be possible that a claimant meets the income standard for the Poverty Exemption but not meet the asset standard or other standards as set forth in these guidelines. In this instance the claimant would NOT qualify for the exemption even though the income standard was met.

The Board of Review shall follow these guidelines when granting or denying a Poverty Exemption. The same standards shall apply to each claimant in the Township for the assessment year "unless the Supervisor and Board of Review determines that there are substantial and compelling reasons why there should be deviation from the guidelines and the substantial and compelling reasons are communicated in writing to the claimant."

In granting Poverty Exemptions, the Township of Macomb and the Board of Review realizes that this represents a shift of those property taxes exempted to the other taxpayers of the Township. Poverty exemptions are intended to assist those who are in temporary financial straits and are NOT intended as a permanent or continuous subsidy. Poverty exemptions shall apply only to the applicant's qualified homestead and the property must be classified RESIDENTIAL for property tax purposes. Under no circumstances shall a poverty exemption be granted or apply to the property of a business, partnership or corporation.

To be eligible for exemption by reason of poverty, a person shall do all of the following on an annual basis:

Applicants MUST be an owner of and occupy as a homestead (as defined by MCL 211.7dd) the property for which an exemption is being requested. Vacant, unplatted, contiguous land shall not qualify as homestead property for purposes of these guidelines.

Applicants MUST file a completed "Poverty Exemption Application" with the Board of Review on a form provided by the Assessing Department and include a copy of their Michigan Homestead Property Tax Credit Claim AND State of Michigan Income Tax Returns and all supporting documents and schedules for ALL PERSONS residing in the homestead, including any property tax credit returns (MI-1040CR), filed in the immediately preceding year or in the current year.

Applicants must provide a valid driver's license or other form of identification and must also provide a copy of a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if requested by the Assessor or Board of Review.

Applications MUST be filed after January 1 and before the final day of the March Board of Review meetings for that assessment year.

Applicants MUST meet poverty income standards determined by the Township of Macomb. These income standards shall be posted annually in the Department of

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Assessment and made available upon request at no charge. These income standards will be based upon the current year Federal Poverty Thresholds multiplied by a rate of 135% (1.35).

The Board of Review shall consider income from all sources and from all occupants of the homestead when determining whether an Applicant meets Township poverty income standards as established by the Township Board of Trustees.

In addition to income as noted above, savings accounts, checking accounts, investments and interest earnings/dividends, in total, from all household members, may not exceed double the amount of the current annual property tax obligation. The Board of Review may also take into consideration other assets such as ownership interest in other real estate and/or personal property.

NOTE: Under no circumstances shall the Board of Review reduce the taxable value of a claimant that is not currently receiving the maximum refund of \$1,200.00 from the State of Michigan unless the claimant's household income is equal to or less than the federal poverty income standards as defined and determined by the United States office of management and budget. Any relief granted shall be based upon the tax obligation in excess of the maximum \$1,200.00 homestead credit refund allowed by the State of Michigan.

Under no circumstances shall the Board of Review reduce the taxable value lower than that which would produce an annual ad valorem tax equal to 3.5% of an applicants income plus property tax credit refund payable by the State of Michigan. It is not the intent of the Township to adopt a policy of an individual being "automatically entitled" to exemption.

AYES: Members: Koehs, Dunn, Nevers, Malburg, Bucci, Krzeminski, Brennan

NAYS: Members: NONE

**RESOLUTION DECLARED ADOPTED.**

**MOTION carried.**

C. Request to Amend the Fire Chief Employment Contract.

Supervisor BRENNAN reviewed this matter and indicated that this employment agreement amendment will give the Fire Chief the same considerations as those granted to the supervisory employees in the Management Union's collective Bargaining Agreement. He further stated his recommendation for approval.

**MOTION by KRZEMINSKI seconded by DUNN to approve the amendment to the Fire Chief's Employment Contract as proposed.**

**MOTION carried.**

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- 10. Clerk Comments: None
- 11. Treasurer Comments: None
- 12. Trustees Comments: None

**EXECUTIVE SESSION**

- 13. Bazi vs. Macomb Twp.

**MOTION by DUNN seconded by KRZEMINSKI to adjourn to Executive Session regarding the matter of Bazi vs. Macomb Township.**

**MOTION carried.**

*(The Board retired to Executive Session at 7:08 p.m.)*

*(The Board returned from Executive Session at 7:40 p.m.)*

The matter of Bazi vs. Macomb Township was discussed, but no action was taken or required at this time.

**ADJOURNMENT**

**MOTION by BUCCI seconded by KOEHS to adjourn the Board of Trustees meeting at 7:40: p.m.**

**MOTION carried.**

Respectfully submitted,

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John D. Brennan  
Macomb Township Supervisor

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Michael D. Koehs, CMC  
Macomb Township Clerk