

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, MAY 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 12a, 22c, 22d and 22e 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.**

**APPROVAL OF THE PREVIOUS MEETING MINUTES**

4. The minutes of the previous meeting held on April 23, 2008 were reviewed and any additions, corrections or deletions were discussed and made.

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**MOTION by DUNN seconded by MALBURG to approve the minutes of the meeting of April 23, 2008 as presented.**

**MOTION carried.**

**5. Consent Agenda Items:**

**A. Clerk's Department:**

1. **Wall Sign Bond Release;** Tubby's; Subline Company, Petitioner. 51030 Hayes Road.
2. **Wall Sign Bond Release;** AT & T at Macomb Centre Plaza; Heileman & Sons, Petitioner. 51106 Romeo Plank Road.
3. **Wall Sign Bond Release;** Shogun Bistro; Reliable Sign Service, Inc., Petitioner. 18411 Hall Road.
4. **Wall Sign Bond Release;** New China Gourmet; Ziukeng Yang, Petitioner. 21960 23 Mile Road.
5. **Model Bond Release;** Clearstone Subdivision – Lot 4; Frank Karam, Petitioner. 56931 Clearstone.
6. **Model Bond Release;** Wolverine Country Club – Lot 191; Victory Homes, Petitioner. 18650 Tiger Drive.
7. **Wall Sign Bond Release;** Serenity Spa & Nails; Sign Fabricators, Inc., Petitioner. 47210 Hayes Road.
8. **Wall Sign Bond Release;** Pot Belly Sandwich Works; Sign Fabricators, Inc., Petitioner. 17601 Hall Road.
9. **Model Bond Release;** Urban Meadows - Lot 45; Section 36; Permanent Parcel No. 08-36-379-006.
10. **Model Bond Release;** Pine Valley – Lot 23; Section 04; Permanent Parcel No. 08-04-113-003.
11. **Model Bond Release;** West Park Estates – Lot 65; Section 04; Permanent Parcel No. 08-04-325-035.

**B. Water/Sewer Dept.**

1. **Easement Encroachment:** Bank of America, 45194 Romeo Plank Road, Macomb, MI, 48044, Ground Sign, Parcel # 08-33-352-030
2. **Easement Encroachment:** BP Gas Station, 22961 Hall Road, Macomb, MI, 48042, Ground Sign, Parcel # 08-35-477-044
3. **Easement Encroachment:** Douglas & Rebecca Sigler, 48675 Jefferson Dr, Macomb, MI, 48044, Lot 242, Parcel # 08-30-202-024
4. **Easement Encroachment:** Jeffrey & Mary Pyszal, 18647 Player Drive, Lot 28, Paver Patio, Parcel # 08-05-426-006
5. **Easement Encroachment:** Mathew & Wendy Vanhowe, 47884 Racewood Drive, Lot 285, Parcel # 08-27-404-011
6. **Easement Encroachment:** Richard & Nora Orallo, 50562 Victoria Place, Lot 121, Parcell # 08-21-280-012

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C. Human Resources

1. **Request for a Family Medical Leave of Absence;** Clerk's Department.
2. **Request for a Family Medical Leave of Absence;** Water & Sewer Department.

D. 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.

**MOTION by BUCCI seconded by KRZEMINSKI to approve the Consent Agenda as presented provided that item 5b4 is approved conditioned upon the approval of the Office of the Macomb County Drain Commissioner.**

**MOTION carried.**

6. **Public Comments**

Ms. Grace Caporuscio had several questions regarding a possible subdivision development by the Chippewa Valley School District in the area of Garfield, south of 22 Mile Road.

Mr. Jeffrey Sprys, a candidate for County Commissioner, introduced himself to the Board.

**PUBLIC HEARING**

7. **Request to Adopt Resolution;** Establishment of a Special Assessment District for Street Lighting; Deerfield Park South Subdivision, Section 27.

**Supervisor BRENNAN opened the public hearing at 7:13 p.m. He reviewed the proposed special assessment district and the related costs.**

**MOTION by KRZEMINSKI seconded by KOEHS to close the public hearing at 7:15 p.m.**

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**MOTION carried.**

**MOTION by DUNN seconded by MALBURG to adopt the resolution creating the Special Assessment District for the Deerfield Park South Subdivision.**

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

NAYS: NONE

**MOTION carried. Resolution declared adopted.**

**PLANNING**

8. **Extension of Time;** Fairlane Estates Condominiums; Located on the north side of 21 Mile Road, east of side of Card Road; Section 26; GTR Companies, Petitioner. Permanent Parcel 08-26-301-018.

Mr. Jerome Schmeiser, Planning Consultant. reviewed this matter and stated his recommendation for approval.

**MOTION by KRZEMINSKI seconded by KOEHS to approve the extension of time for Fairlane Estates Condominiums located on the north side of 21 Mile Road, east side of Card Road; Section 26, Permanent Parcel 08-26-301-018.**

**MOTION carried.**

9. **Extension of Time;** Strawberry Fields Site Condominiums; Located on the north side of 22 Mile Road, ¼ mile east of Hayes Road; Section 19; Excel Properties, Petitioner. Permanent Parcel 08-19-400-001.

Mr. Jerome Schmeiser, Planning Consultant. reviewed this matter and stated his recommendation for approval.

**MOTION by BUCCI seconded by MALBURG to approve the extension of time for Strawberry Fields Site Condominiums located on the north side of 22 Mile Road, ¼ mile east of Hayes Road; Section 19, Permanent Parcel 08-19-400-001.**

**MOTION carried.**

10. **Extension of Time;** Final Preliminary Plat for Harmony Acres Subdivision; Located on the south side of 24 Mile Road, ¾ of a mile east of Romeo Plank Road; Section 16; Permanent Parcel No. 08-16-200-014; Joe VanHaverbeck, Petitioner.

Mr. Jerome Schmeiser, Planning Consultant. reviewed this matter and stated his recommendation for approval.

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**MOTION by DUNN seconded by NEVERS to approve the extension of time for the Final Preliminary Plat for Harmony Acres Subdivision located on the south side of 24 Mile Road, ¾ of a mile east of Romeo Plank Road; Section 16; Permanent Parcel No. 08-16-200-014.**

**MOTION carried.**

**NEW BUSINESS**

11. **Request Authorization for Legal Defense;** Michigan Tax Tribunal Case, Vito Bommarito vs. Macomb Township.

Supervisor BRENNAN reviewed this matter and items 12 and 12a, and indicated that they were administrative issues and he further stated his recommendation for approval.

**MOTION by DUNN seconded by MALBURG to approve the request for authorization for Legal Defense; Michigan Tax Tribunal Case, Vito Bommarito vs. Macomb Township.**

**MOTION carried.**

12. **Request Authorization for Legal Defense;** Michigan Tax Tribunal Case, Card-21, LLC vs. Macomb Township.

**MOTION by DUNN seconded by MALBURG to approve the request for authorization for Legal Defense; Michigan Tax Tribunal Case, Card-21, LLC vs. Macomb Township.**

**MOTION carried.**

- 12a. **Request Authorization for Legal Defense;** Michigan Tax Tribunal Case, Brianne, LLC vs. Macomb Township.

**MOTION by DUNN seconded by MALBURG to approve the request for authorization for Legal Defense; Michigan Tax Tribunal Case, Card-21, LLC vs. Macomb Township.**

**MOTION carried.**

13. **Request for Approval of a Class C Liquor License Transfer;** Section 23, Permanent Parcel No. 08-23-451-002; 49001 North Avenue; Robert Breitmeyer, Petitioner.

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Supervisor BRENNAN reviewed this matter and stated that this is for a transfer of ownership for the license at Hickory Hollow Golf Course, and further stated his recommendation for approval.

Mr. Robert Breitmeyer, the petitioner, was present to answer any questions the Board might have.

**MOTION by KRZEMSINKI seconded by NEVERS to approve the request for approval of a Class C Liquor License Transfer; Section 23, Permanent Parcel No. 08-23-451-002; 49001 North Avenue.**

STATE OF MICHIGAN  
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES  
LIQUOR CONTROL COMMISSION  
**RESOLUTION**

At a regular meeting of the Macomb Township Board of Trustees called to order by Supervisor John Brennan on May 14, 2008 at 7:00 p.m. the following resolution was offered: Moved by Roger Krezminski and supported by Nancy Nevers

**THAT THE REQUEST TO TRANSFER OWNERSHIP 2007 CLASS C RESORT LICENSED BUSINESS, ISSUED UNDER MCL436.1531(3), NON-TRANSFERABLE, WITH ENTERTAINMENT PERMIT, LOCATED AT 49001 NORTH, MACOMB MICHIGAN, 48042, MACOMB TOWNSHIP, MACOMB COUNTY, FROM FOREDOM, INC. TO RJB MANAGEMENT, LLC**

be considered for approval

**APPROVAL**

Yeas: Krzeminski, Nevers, Bucci, Dunn,  
Malburg, Koehs, Brennan

Nays: None

Absent: None

**DISAPPROVAL**

Yeas: None

Nays: None

Absent: None

It is the consensus of this legislative body that the application be recommended for issuance.

**MOTION carried. Resolution declared adopted**

14. **Request to Adopt Resolution** and Memorandum of Understanding; Intergovernmental Development of an Access Management Plan; Gratiot Avenue Corridor; Road Commission of Macomb County, Petitioner.

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Supervisor BRENNAN reviewed this matter and had several questions for the petitioner's representative.

Mr. John Paul Rea, representing the petitioner, was present to try and answer any questions the Board might have.

**MOTION by KRZEMINSKI seconded by BUCCI to receive and file the Resolution and Memorandum of Understanding regarding Intergovernmental Development of an Access Management Plan for the Gratiot Avenue Corridor by the Road Commission of Macomb County until more information is provided.**

**MOTION carried.**

## HUMAN RESOURCES

15. Request to Extend Offers of Employment to Recruit / Paid-on-Call Firefighter Candidates.

Mr. John Brogowicz, Human Resources Director, reviewed this matter and stated his recommendation and the recommendation of the Fire Chief to offer employment as a paid on call fire fighter to Jason Barg, Jarod Boyd, Gregory Flick and Daniel Zaraycki.

**MOTION by KOEHS seconded by DUNN to approve the request to extend offers of employment as Paid-on-Call Fire Fighters to Jason Barg, Jarod Boyd, Gregory Flick and Daniel Zaraycki.**

**MOTION carried.**

## BUILDING DEPARTMENT

16. **Request for a Temporary Concrete Crushing Operation;** Romeo Commons, located on 26 Mile Road at Romeo Plank Road; Section 6; T.R. Pieperzak Co. Inc., Petitioner.

Mr. Daniel Fairless, Building Official, reviewed this matter and stated his recommendation for approval.

**MOTION by BUCCI seconded by KRZEMINSKI to approve the request for a Temporary Concrete Crushing Operation located on 26 Mile Road at Romeo Plank Road; Section 6 for a period of twenty one (21) days starting on June 9, 2008.**

**MOTION carried.**

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**WATER AND SEWER DEPARTMENT**

17. **Request for Authorization;** to allow FirstRow to perform a market study for real estate services related to the Romeo Plank Road Water Main Replacement Project (MA07-008).

Supervisor BRENNAN reviewed this matter and stated his recommendation for approval.

**MOTION by MALBURG seconded by KOEHS to approve the request for authorization to allow First ROW to perform a market study for real estate services related to the Romeo Plank Road Water Main Replacement Project (MA07-008).**

**MOTION carried.**

18. **Request for a Vacation of Easement;** Kroger at Macomb Park; 26 Mile and Romeo Plank Roads; Romeo Plank Commons, LLC, Owner.

Mr. James VanTiflin, Township Engineering Consultant, reviewed this matter and stated his recommendation for approval.

**MOTION by BUCCI seconded by DUNN to approve the Request for a Vacation of Easement; Kroger at Macomb Park; 26 Mile and Romeo Plank Roads; Romeo Plank Commons, LLC, Owner.**

**MOTION carried.**

19. **Purchase Requisition - SLC Meter Service.**

Supervisor BRENNAN reviewed this matter and indicated that this was for the purchase of stock inventory for the Water and Sewer Department and he further stated his recommendation for approval.

**MOTION by KRZEMINSKI seconded by MALBURG to approve the Purchase Requisition for SLC Meter Service in the amount of twenty nine thousand five hundred thirteen dollars and ninety two cents (\$29,513.92).**

**MOTION carried.**

**FIRE DEPARTMENT**

20. **Request to Purchase Security Cameras**

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Chief Robert Phillips reviewed this matter concerning the purchase of two additional cameras, one for Station 3 and the other for station 4. He further stated his recommendation for approval.

**MOTION by KRZEMINSKI seconded by MALBURG to approve the request to purchase two (2) Security Cameras from D/A Central for a total amount of eight hundred thirty eight dollars (\$838.00).**

**MOTION carried.**

21. **Request to Purchase Intake Valves**

Chief Robert Phillips reviewed this matter regarding the intake valves for the new mini-pumper. He further stated his recommendation for approval.

**MOTION by DUNN seconded by KOEHS to approve the request to purchase two (2) gated Intake Valves from Apollo Fire Equipment Company for the amount of two thousand two hundred ninety dollars (\$2,290.00).**

**MOTION carried.**

**BOARD COMMENTS**

22. Supervisor Comments:

- a. Recommend Appointment to Clinton-Macomb Library Board.

Supervisor BRENNAN reviewed this matter and stated his recommendation to extend the appointment of Michael Lotito to the Clinton-Macomb Library Board to expire on April 30, 2011.

**MOTION by DUNN seconded by BUCCI to approve the extension of the appointment of Michael Lottito to the Clinton Macomb Library Board to expire on April 30, 2011.**

**MOTION carried.**

- b. Amend Road Commission of Macomb County Dust Control Contract.

Supervisor BRENNAN reviewed this matter and stated his recommendation to add a fifth application for an additional cost of four thousand three hundred ninety three dollars and sixty two cents (\$4,393.62).

**MOTION by MALBURG seconded by BUCCI to approve the amendment to the Dust Control Contract with the Road Commission of Macomb County to allow for a fifth application for an additional cost of four**

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**thousand three hundred ninety three dollars and sixty two cents (\$4,393.62).**

**MOTION carried.**

- c. Request to Purchase Town Center Banners.

Supervisor BRENNAN reviewed this request and recommended approval for the purchase of the Street Light Pole banners.

**MOTION by DUNN seconded by NEVERS to approve the purchase for the Street Light Pole Banners in the amount of one thousand five hundred ninety four dollars and twenty six cents (\$1,594.26).**

**MOTION carried.**

- d. Request to amend the Lawn Cutting Contract.

Supervisor BRENNAN reviewed this matter and indicated that the low bidder was requesting to terminate the contract because it was more than he had estimated. It was proposed that the next lowest bidder be awarded the contract.

**MOTION by NEVERS seconded by KRZEMINSKI to approve the cancellation of the original contract award and reissue it to Autumn Oaks for their original bid amount.**

**MOTION carried.**

- e. Request Authorization to defend litigation; Grabow et al vs Macomb Township; and Appeal from the Zoning Board of Appeals.

Supervisor BRENNAN explained that this matter was an appeal from a Zoning Board of Appeals decision and we need to authorize legal counsel to defend in this matter.

**MOTION by BUCCI seconded by KOEHS to approve the authorization for defense in the matter of Grabow et al vs. Macomb Township.**

**MOTION carried.**

23. Clerk Comments: None
24. Treasurer Comments: None
25. Trustees Comments: None

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**EXECUTIVE SESSION**

**MOTION by BUCCI seconded by KOEHS to adjourn to executive session at 7:56 p.m.**

**MOTION carried.**

*(The Board returned from Executive Session at 8:40 p.m.)*

26. **Wolverine 25 Mile LLC vs Macomb Township; Consent Judgment**

**MOTION by KOEHS seconded by KRZEMINSKI to deny the proposed amendment to the Consent Judgment.**

**MOTION carried.**

27. **King of the Winds Farm; Consent Judgment**

**MOTION by KOEHS seconded by KRZEMINSKI to deny the proposed amendment to the Consent Judgment.**

**MOTION carried.**

**ADJOURNMENT**

**MOTION by BUCCI seconded by KRZEMINSKI to adjourn the Board of Trustees meeting at 8:44 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