

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, AUGUST 13, 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 8A and 16A were added and items 22a and 22 b were moved to Executive Session at the employees request..

MOTION by DUNN seconded by NEVERS 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 July 23, 2008 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by DUNN seconded by NEVERS to approve the minutes of the meeting of July 23, 2008 as presented.

MOTION carried.

5. **Consent Agenda Items:**



A. Clerk's Department:

1. **Sidewalk Bond Release;** Urban Meadows Subdivision; Pat Acciavatti, Petitioner.
2. **Landscape Bond Release;** Urban Meadows Subdivision; Pat Acciavatti, Petitioner.
3. **Site Plan Bond Release;** Macomb Industrial Park Condominiums Unit 8; Orlando Rossi, Petitioner.
4. **Site Plan Bond Release;** Macomb Industrial Park Condominiums Unit 9; Orlando Rossi, Petitioner.
5. **Sidewalk Bond Release;** Strathmore Subdivision; Atwell-Hicks, Inc., Petitioner.
6. **Model Bond Release;** West Park Estates, Lot 4; Riverside Homes, Petitioner.
7. **Site Plan Bond Release;** Beaumont Office Building, Ambulatory Medical Center.

B. Water/Sewer Dept.

1. **Easement Encroachment:** Darren & Amy Greene, 50174 Josephine Drive, Koss Farms, Sidwell # 08-21-251-008.
2. **Easement Encroachment:** John T. & Shelley L. Ostrowski, 49531 London Bridge Drive, Sidwell # 08-22-451-021.
3. **Easement Encroachment:** Martin Levesque, 51110 Shadow Ridge Drive, Sidwell # 08-16-351-033.
4. **Easement Encroachment:** Jimmy Gilliam & Suzette Bursteinowicz, 50220 Shenandoah Dr, Sidwell # 08-22-197-008.
5. **Easement Encroachment:** Carole F. Gorski, 54801 Waubay Drive, Sidwell # 08-08-229-018.

C. Human Resources

1.  Request for a Leave of Absence from Fire Department.
2.  Request for a Medical Leave of Absence from Clerk's Office.

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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.

MOTION carried.

6. Public Comments

Mr. Donald Berg addressed several questionS to the Board regarding the process for getting the streets in his subdivision resurfaced.

NEW BUSINESS

7. **Request to Schedule a Public Hearing Date;** Industrial Facilities Exemption Certificate; Triumph Gear Systems.

Clerk KOEHS reviewed this matter and stated his recommendation for setting the public hearing date at 7:00 p.m. on Wednesday, September 10, 2008.

MOTION by KRZEMINSKI seconded by DUNN to set the public hearing date for an Industrial Facilities Exemption Certificate for Triumph Gear Systems at 7:00 p.m. on Wednesday, September 10, 2008.

MOTION carried.

8. **Request Authorization for Legal Defense;** Michigan Tax Tribunal Case MJC Fairway Commons, LLC vs. Macomb Twp.; Parcels 08-34-227-001 through 08-34-227-050.

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

MOTION by BUCCI seconded by KRZEMINSKI to approve the authorization for legal defense in the matter of Michigan Tax Tribunal Case, MJC Fairway

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Commons, LLC vs. Macomb Twp.; Parcels 08-34-227-001 through 08-34-227-050.

MOTION carried.

- 8A. **Request to approve and sign an Indemnity and Hold Harmless Agreement regarding the Easement For Sanitary Sewer granted by Consumers Energy Company to Macomb Township.**

Supervisor BRENNAN reviewed this matter and indicated that this was a common occurrence when public sewers were constructed through the major utility easements.

Ms. Amy Premo, representing the petitioner, was present to answer any questions which the Board may have.

MOTION by BUCCI seconded by DUNN to approve the request to authorize the Supervisor to sign the Indemnity and Hold Harmless Agreement between Gianna Investments, Inc. and Macomb Township.

MOTION carried.

PARKS AND RECREATION

9. **Request to Print and Mail the Fall 2008 R.E.A.C.H. Catalog.**

Mr. Salvatore Dicaro, Parks and Recreation Director, reviewed this matter and the related costs to layout, printing and mailing and stated his recommendation for approval.

MOTION by NEVERS seconded by DUNN to approve the request to allow Mith Creative services to lay out the Fall REACH brochure for a cost of one thousand dollars (\$1,000.00), and to allow Litho Printing to print the brochures for a cost of seven thousand five hundred thirteen dollars and ninety cents (\$7,513.90), and to allow the Parks and Recreation Department to mail the brochures out at a cost of three thousand six hundred sixty eight dollars and four cents (\$3,668.04).

MOTION carried.

10. **Request to Run the programs listed in the Fall 2008 R.E.A.C.H. Catalog.**

Mr. Salvatore Dicaro, Parks and Recreation Director, reviewed these programs and stated his recommendation for approval.

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MOTION by KOEHS seconded by NEVERS to approve the request to run the programs listed in the Fall 2008 R.E.A.C.H. Catalog.

MOTION carried.

11. **Request to Recoat the Gymnasium Floors.**

Mr. Salvatore Dicaro, Parks and Recreation Director, reviewed this matter and stated his recommendation for this job to be awarded to All Court, Inc. in the amount of three thousand nine hundred thirty dollars (\$3,930.00).

MOTION by KRZEMINSKI seconded by KOEHS to approve the request to recoat the two gymnasium floors and award the project to All Court, Inc. in the amount of three thousand nine hundred thirty dollars (\$3,930.00).

MOTION carried.

INFORMATION TECHNOLOGY

12. **Request to Renew Contract; Dedicated Internet Service with AT&T.**

Mr. Jim Koss, Information Technology Director, reviewed this matter and the reasons that he felt it was beneficial and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by NEVERS to approve the request to renew the contract for dedicated Internet Service with AT&T for a period of three (3) years.

MOTION carried.

BUILDING DEPARTMENT

13. **Request for a Temporary Certificate of Occupancy; Card and 21 Shops, Kroger Store.**

Mr. Daniel Fairless, Building Official, reviewed this matter and commented on the circumstances regarding the expansion of the existing Kroger store. He further stated his recommendation for approval.

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

MOTION by KRZEMINSKI seconded by NEVERS to approve the request for a Temporary Certificate of Occupancy for the Card and 21 Shops, Kroger Store for a period of (6) months.

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MOTION carried.

HUMAN RESOURCES

14. **Request to Approve Proposal;** Floor Mat Maintenance for Township Buildings; Cintas Proposal. *(Tabled from the meeting of July 23, 2008)*

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

MOTION by DUNN seconded by NEVERS to approve the request to approve Floor Mat Maintenance Contract for Township Buildings with Cintas for no more than sixty (60) months.

MOTION carried.

15. **Request to Attend Training;** Society for Human Resource Management Conference.

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

MOTION by BUCCI seconded by KOEHS to approve the request for the Human Resource Director to attend the Society for Human Resource Management Conference.

MOTION carried.

FIRE DEPARTMENT

16. **Request to Purchase 2009 KME Mini-Pumper.**

Chief Robert Phillips, reviewed this matter and stated this is identical to the vehicle purchased earlier and assigned to a different fire station. He further stated his recommendation for approval.

MOTION by DUNN seconded by KOEHS to approve the request to purchase a 2009 KME Mini-Pumper from Payette and Associates for the amount of two hundred eleven thousand eight hundred thirty six dollars (\$211,836.00).

MOTION carried.

- 16 A. **Request to Approve Pay Certificate #4; Fire Training Tower.**

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Chief Robert Phillips, reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI, seconded by KOEHS, to approve Pay Certificate #4 for the Fire Training Tower in the amount of sixty nine thousand nine hundred sixty five dollars (\$69,965.00)

WATER AND SEWER DEPARTMENT

17. **Change Order No. 1; Pump Station #7 Replacement** (23 Mile Road & Romeo Plank) SDA Job No. MA05-026; Romeo Plank Water Main Replacement (N & S of 23 Mile Road); SDA Job NO. MA06-010.

Mr. Gerry Wangelin, Acting Water & Sewer Superintendent, reviewed this matter and stated his recommendation for approval.

MOTION by DUNN seconded by NEVERS to approve the Change Order No. 1; Pump Station #7 Replacement (23 Mile Road & Romeo Plank) SDA Job No. MA05-026; Romeo Plank Water Main Replacement (N & S of 23 Mile Road); SDA Job NO. MA06-010 in the amount of two thousand six hundred five dollars and twenty one cents (\$2,605.21).

MOTION carried.

18. **Engineer's Payment Certificate No. 1: Brentwood Farms / Cross-Creek Sidewalk**, SDA Job No. MA04-017.

Mr. Gerry Wangelin, Acting Water & Sewer Superintendent, reviewed this matter and stated his recommendation for approval.

MOTION by BUCCI seconded by DUNN to approve the Engineer's Payment Certificate No. 1: Brentwood Farms / Cross-Creek Sidewalk, SDA Job No. MA04-017 in the amount of seventy three thousand nine hundred twenty three dollars and thirty one cents (\$73,923.31).

MOTION carried.

19. **Request Authorization to Revoke Grade Bond: 22485 Brantingham Drive.**

Mr. Gerry Wangelin, Acting Water & Sewer Superintendent, reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by NEVERS to approve the request to revoke the Grade Bond of two thousand dollars (\$2,000.00) for 22485 Brantingham Drive, reimburse the Water and Sewer Department the amount of

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one thousand eight hundred dollars (\$1,800.00) and return the balance to the developer.

MOTION carried.

20. **Request Authorization to Revoke Grade Bond:** 22622 Brantingham Drive.

Mr. Gerry Wangelin, Acting Water & Sewer Superintendent, reviewed this matter and stated his recommendation for approval.

MOTION by KREZEMINSKI seconded by NEVERS to approve the request to revoke the Grade Bond of two thousand dollars (\$2,000.00) 22622 Brantingham Drive, reimburse the Water and Sewer Department the amount of one thousand four hundred forty five dollars (\$1,445.00) and return the balance to the developer.

MOTION carried.

21. **Proposal for Macomb Township Water Main Mapping;** SDA Job Number MA08-016.

Mr. Gerry Wangelin, Acting Water & Sewer Superintendent, reviewed this matter and stated his recommendation for approval.

MOTION by DUNN seconded by BUCCI to approve the Proposal for Macomb Township Water Main Mapping to be completed by Spalding DeDecker Associates, Job Number MA08-016, for the amount of fourteen thousand dollars (\$14,000.00).

MOTION carried.

BOARD COMMENTS

22. **Supervisor Comments:**

A. Fuel Surcharge; Waste Management Contract.

Supervisor BRENNAN reviewed this matter and informed everyone to be prepared to see modifications in the cost of waste pick up due to the Fuel Surcharge language in the Waste Management contract.

23. **Clerk Comments:**

Clerk KOEHS thanked all of the election workers who participated in the August Primary Election.

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

EXECUTIVE SESSION

- 22a. **Employee Discipline; Revised Charges; Water & Sewer Department.**

MOTION by KOEHS seconded by NEVERS to Amend the charges against David Koss to include a violation of Article 42, Section 2, and to amend the reasons for termination of David Koss to include a violation of Article 42, section 2.

MOTION carried.

- 22b. **Employee Discipline; Fire Department.**

MOTION by KOEHS seconded by NEVERS to terminate David Koss from the Fire Department for a violation of Standard Operating Procedure Article 10.6, Section G; a violation of Rules and Regulations #17, Item 13; and a violation of Rules and Regulations # 17, Item 60.

MOTION carried.

26. **Simone Grabow vs. Macomb Township**

MOTION by KOEHS seconded by BUCCI to authorize the attorney to execute the settlement agreement as proposed.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by KRZEMINSKI to adjourn the Board of Trustees meeting at 8:42 p.m.

MOTION carried.

Respectfully submitted,

John D. Brennan
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk