

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, DECEMBER 10, 2008

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

PRESENT: MARK H. GRABOW, 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 GRABOW called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Clerk KOEHS administered the Oath of Office to nine new Paid on Call fire Fighters.

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 13a, 26 and 27 were added and item 17 was tabled to the meeting of December 22, 2009.

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.

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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 November 25, 2008 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by BUCCI seconded by DUNN to approve the minutes of the meeting of November 25, 2008 as presented.

MOTION carried.

5.  **Consent Agenda Items:**

A. Department Monthly Reports:

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

Supervisor GRABOW 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. There were no such requests.

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

MOTION carried.

6. **Public Comments**

Mr. John Schmitz expressed his opposition to the Manthey Farms Subdivision variance request and Mr. Steven Michael expressed his opinion advocating electronic display signs.

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PLANNING

7.  **Request to Adopt the 2008 Master Plan.**

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and the entire process that was followed to amend the current Master Plan. He also indicated that the Macomb County Planning Department was supportive of the document as it is proposed. He further stated his recommendation for approval.

MOTION by DUNN seconded by NEVERS to approve the 2008 Master Plan as presented


MOTION carried.

8.  **Final Preliminary Plat;** Portofino Villas Subdivision; Located on the west side of Card Road, ½ mile north of 23 Mile Road; Section 15; Portofino Development Co., LLC., Petitioner. Permanent Parcel No. 08-15-426-006.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated that this is a re-approval of an existing subdivision but the Final Preliminary Plat had expired before the developer could get the Final Plat approved and recorded. He further stated his recommendation for approval.

MOTION by BUCCI seconded by MALBURG to approve the Final Preliminary Plat for Portofino Villas Subdivision which is located on the west side of Card Road, ½ mile north of 23 Mile Road in Section 15, Permanent Parcel No. 08-15-426-006 for a period of two (2) years.

MOTION carried.


9.  **Final Plat;** Portofino Villas Subdivision; Located on the west side of Card Road, ½ mile north of 23 Mile Road; Section 15; Portofino Development Co., LLC., Petitioner. Permanent Parcel No. 08-15-426-006.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter in conjunction with the item above and indicated that this was also part of the re-approval process. He further stated his recommendation for approval.

MOTION by DUNN seconded by KRZEMINSKI to approve the Final Plat for the Portofino Villas Subdivision which is located on the west side of Card Road, ½ mile north of 23 Mile Road in Section 15, Permanent Parcel No. 08-15-426-006.

MOTION carried.

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10.  **Request for a Land Division Variance;** Manthey Farms Subdivision; Located on the south side of 22 Mile Road, west of Garfield Road; Section 30; Chippewa Valley Schools, Petitioner; Permanent Parcel Number 08-30-200-032.

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

Mr. Craig Duckwicz, representing the petitioner, was present to answer any questions the Board might have.

MOTION by KRZEMINSKI seconded by MALBURG to approve the request for a Land Division Variance for the Manthey Farms Subdivision which is located on the south side of 22 Mile Road, west of Garfield Road; Section 30, Permanent Parcel Number 08-30-200-032 because of the hardship which was caused by the stub street coming up from the south and the public drain on the east side of the parcel.

MOTION carried.

11.  **Request For an Extension of Time;** Macomb Town Center, Located west of Broughton Road extending from 24 Mile Road to 25 Mile Road; Section 9; Lombardo Companies, Petitioner; Permanent Parcel Number 08-09-400-015.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated that this is merely an extension of an approved plan.

MOTION by BUCCI seconded by DUNN to approve the request for an extension of time for the Macomb Town Center project which is located west of Broughton Road extending from 24 Mile Road to 25 Mile Road in Section 9, Permanent Parcel Number 08-09-400-015 for a period of one (1) year.

MOTION carried.

NEW BUSINESS


12.  Request to Update Bresser Cross-Reference Directories.

Clerk KOEHS reviewed this matter and stated that these directories are used throughout the township and are updated on a regular basis. He further stated his recommendation for approval.

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MOTION by DUNN seconded by NEVERS to approve the request to update six (6) Bresser Cross-Reference Directories for a cost of one thousand six hundred two dollars (\$1,602.00).

MOTION carried.

13.  Request to Adopt the Notice of Intent Resolution for Capital Improvement Bonds; Water & Sewer improvements

Mr. Patrick McGow, Bond Counselor, reviewed this matter and stated that if the Board wanted to be able to issue the twenty four million dollars (\$24,000,000.00) in bond for the future water and sewer projects, they would first have to adopt the proposed Resolution of right to Referendum and publish it in a newspaper of general circulation.

MOTION by KRZEMINSKI seconded by KOEHS to adopt the Notice of Intent Resolution for Capital Improvement Bonds for Water & Sewer improvements as follows:

**NOTICE OF INTENT RESOLUTION
CAPITAL IMPROVEMENT BONDS**

TOWNSHIP OF MACOMB
County of Macomb, State of Michigan

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, State of Michigan, held on the 10th day of December, 2008, at 7:00 p.m., Eastern Standard Time.

The following preamble and resolution were offered by Member Krzeminski and supported by Member Koehs:

WHEREAS, the Township of Macomb, County of Macomb, State of Michigan (the "Township") intends to issue general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in an aggregate principal amount of not to exceed Twenty-Four Million Dollars (\$24,000,000) (the "Bonds"), in one or more series, for the purpose of paying all or part of the costs of acquiring and constructing improvements to the Township's Water Supply and Sewage Disposal System, together with all appurtenances and attachments (the "Project"); and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, the Township intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the Township for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Clerk is authorized and directed to publish a notice of intent to issue bonds in the *Macomb Daily*, a newspaper of general circulation in the Township.

2. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.

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3. The Township Board does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the Township's electors and taxpayers residing in the boundaries of the Township of the Township's intent to issue the Bonds, the maximum amount of the Bonds, the purpose of the Bonds, the source of payment for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The Township makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the Township reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the Township.
- (b) The expenditures described in this paragraph (b) are for the costs of acquiring the Project which were paid or will be paid subsequent to sixty (60) days prior to the date hereof from the general funds of the Township.
- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$24,000,000.
- (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the related Project are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the Township's use of the proceeds of the debt to be issued for the Project to reimburse the Township for a capital expenditure made pursuant to this resolution.
- (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).
- (f) No proceeds of the borrowing paid to the Township in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.

5. The Township hereby approves the retention of Miller, Canfield, Paddock and Stone, P.L.C. as Bond Counsel and Bendzinski & Co. as financial advisor to the Township in connection with the Bonds.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: KRZEMINSKI, KOEHS, BUCCI, DUNN, NEVERS, MALBURG,
GRABOW.

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NAYS: NONE

MOTION carried.

- 13a. Request for a Temporary Certificate of Occupancy; Sargeant Appliance Store on M-59.

Clerk KOEHS reviewed this matter and stated that the Departments had reviewed this matter and are recommending approval of the Temporary Certificate of Occupancy through June 1, 2009.

MOTION by NEVERS seconded by DUNN to approve the Temporary Certificate of Occupancy for Sargeant Appliance for a period to end on June 1, 2009.

MOTION carried.

HUMAN RESOURCES

14.  **Request to Renew Service Agreement;** Greater Detroit Heating and Cooling, Inc.

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

MOTION by BUCCI seconded by KRZEMINSKI to table this matter to the meeting of December 22, 2008 to allow for bids.

MOTION carried.

15.  **Request to Purchase Visual Write/Wipe Board;** Supervisor's Office


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

MOTION by NEVERS seconded by KOEHS to approve the request to purchase a Visual Write/Wipe Board for the Supervisor's Office from Interior Dynamics at a cost of one thousand three hundred forty seven dollars and thirty cents (\$1,341.00).

MOTION carried.

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FIRE DEPARTMENT

16.  Request to Purchase Snow Blowing Machines.

Chief Robert Phillips, reviewed this matter and stated that this would replace shoveling at the stations by hand. He stated his recommendation for approval.


MOTION by NEVERS seconded by MALBURG to approve the request to purchase of three (3) Snow Blowing Machines from Bourlier & Son at a cost of one thousand three hundred forty seven dollars and thirty cents (\$1,347.30).

MOTION carried.

17.  Recommendation to Terminate Probationary Fire Fighter.

(This matter was tabled to the meeting of December 22, 2009.)


WATER AND SEWER DEPARTMENT

18.  **Final Balancing for Change Order No. 1; 21 Mile & Fairchild Road Water Meter and PRV. – Phase 2: SDA Job No. MA01-024; 24 Mile & Romeo Plank Road PRV Replacement: SDA Job No. MA06-017; 24 Mile & Card PRV Replacement: SDA Job No. MA06-018.**

Mr. Gerry Wangelin, Acting Water & Sewer Superintendent, reviewed this matter and stated that it has also been reviewed by the Engineering consultants and they are also recommending approval.

MOTION by KOEHS seconded by KRZEMINSKI to approve the final balancing for Change Order No. 1 for the 21 Mile & Fairchild Road Water Meter and PRV. – Phase 2, SDA Job No. MA01-024, the 24 Mile & Romeo Plank Road PRV Replacement, SDA Job No. MA06-017, and the 24 Mile & Card PRV Replacement: SDA Job No. MA06-018 in the amount of forty three thousand six hundred forty eight dollars and eighty four cents (\$43,648.84).

MOTION carried.

19.  **Engineer's Payment Certificate No. 7; 21 Mile & Fairchild Road Water Meter and PRV – Phase 2: SDA Job No. MA01-024; 24 Mile & Romeo Plank PRV Replacement: SDA Job No. MA06-017; 24 Mile & Card PRV Replacement: SDA Job No. MA06-018.**

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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 Engineer's Payment Certificate No. 7 for the 21 Mile & Fairchild Road Water Meter and PRV – Phase 2, SDA Job No. MA01-024; the 24 Mile & Romeo Plank PRV Replacement, SDA Job No. MA06-017 and the 24 Mile & Card PRV Replacement, SDA Job No. MA06-018 for the amount of sixty thousand seven hundred fifty dollars and ninety three cents (\$60,750.93).

MOTION carried.

20.  Purchase Requisition: SLC Meter Service Inc.

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 Purchase Requisition: SLC Meter Service Inc. in the amount of forty eight thousand nine hundred twenty nine dollars (\$48,929.00).

MOTION carried.

BOARD COMMENTS

21. Supervisor Comments: Supervisor GRABOW expressed his gratitude to his supporters and reiterated that he would review the business development in relation to the downturn in the economy and decline in tax revenues.

22. Clerk Comments:

- a.  Request to Authorize Posting for Administrative Assistant, Planning Section pursuant to the Collective Bargaining Agreement.

Clerk KOEHS reviewed this matter to upgrade one of the secretarial positions to an administrative assistant position because of the increased demand in work load in the Planning Section.

MOTION by DUNN seconded by NEVERS to table the Request to Authorize Posting for Administrative Assistant in the Planning Section to the meeting of January 14, 2009.

MOTION carried.

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23. Treasurer Comments: NONE

24. Trustees Comments:

Ms. NEVERS suggested that the Board to check into bidding out regular purchases used by Township Departments, such as fuel and supplies.

Mr. BUCCI stated his concerns regarding the number of employees in relation to the volume of work in different departments.

MOTION by BUCCI seconded by KRZEMINSKI to the Direct Human Resource Director to conduct a manpower study of the Township Departments.

MOTION carried

EXECUTIVE SESSION

MOTION by BUCCI seconded by NEVERS to adjourn to Executive Session at 8:06 p.m.

MOTION carried.

25. Township of Macomb vs. Walter & Joyce Gresko; 08-1054-CZ

MOTION by KOEHS seconded by DUNN to authorize Legal counsel to execute the Consent Judgment as proposed.

MOTION carried.

26. TTCH Development vs. Macomb Township.

MOTION by KOEHS seconded by KRZEMINSKI to instruct Legal Counsel to proceed as discussed.

MOTION carried.

27. 25 Mile Road Sanitary Sewer Easement Acquisition for Macomb Corners Park. *(Tabled from November 25, 2008)*

MOTION by KOEHS seconded by NEVERS to table this matter indefinitely.

MOTION carried.

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ADJOURNMENT

MOTION by BUCCI seconded by KRZEMINSKI to adjourn the Board of Trustees meeting at 8:48 p.m.

MOTION carried.

Respectfully submitted,

Mark H. Grabow
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk