

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
MONDAY, DECEMBER 22, 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
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: JANET DUNN, TRUSTEE

ALSO PRESENT: Lawrence Dloski, Legal Counsel
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.

ROLL CALL

1. Clerk KOEHS called the roll and the Board of Trustees was present except for Janet Dunn, Trustee.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and item 18 was tabled indefinitely.

MOTION by NEVERS seconded by KRZEMINSKI 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 BUCCI 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 10, 2008 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by NEVERS seconded by MALBURG to approve the minutes of the meeting of December 10, 2008 as presented.

MOTION carried.

5.  **Consent Agenda Items:**

- A. Clerk's Department:
1. **Site Plan Bond Release;** Lee-Ellena Funeral Home; Permanent Parcel 08-33-102-003.
 2. **Model Bond Release;** Gloede Park Estates – Lot 4 (47115 Gloede Road).
 3. **Wall Sign Bond Release;** Boyland Nissan Dealership; Permanent Parcel 08-36-377-011.
 4. **Model Bond Release;** Windemere Farms Building 2, Unit 7 (20754 Kenmare Drive).
 5. **Site Plan Bond Release;** Regency Commerce Center Unit 9; Permanent Parcel 08-17-344-009.
 6. **Paving Bond Release;** Highland Hills Condominiums.
- B. Water/Sewer Dept.
1.  Purchase Requisition: Kennedy Industries Inc.
- C. Human Resources
1.  Request for Family Medical Leave of Absence.

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.

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


MOTION carried.

6. **Public Comments**

None

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PLANNING


7.  **Request for a Temporary Certificate of Occupancy;** Tri-59 Out Lot; Located on the north side of Hall Road east of Heydenreich Rd; Permanent Parcel No. 08-34-300-028.

Clerk KOEHS reviewed this matter and stated that all reviews were positive and he further stated his recommendation for approval.

Mr. Thomas Moffat, representing the petitioner, was present to answer any questions the Board might have.

MOTION by BUCCI seconded by KRZEMINSKI to approve the Temporary Certificate of Occupancy for the Tri-59 Out Lot located on the north side of Hall Road east of Heydenreich Rd, Permanent Parcel No. 08-34-300-028 to expire on June 1, 2009.

MOTION carried.

8.  **Extension of Time, Wexford Meadows;** Located on the east side of Heydenreich Road, ¼ mile south of 22 Mile Road; Section 27; Joe VanHaverbeck – Petitioner. Permanent Parcel No. 08-27-100-034.

Clerk KOEHS reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by MALBURG to approve the Extension of Time for Wexford Meadows which is located on the east side of Heydenreich Road, ¼ mile south of 22 Mile Road in Section 27, Permanent Parcel No. 08-27-100-034 for a period of two (2) years.

MOTION carried.

NEW BUSINESS

9.  **Request to Schedule a Public Hearing Date;** Industrial Facilities Tax Exemption; Global Tooling Systems; Permanent Parcel Number 08-18-400-013.

Clerk KOEHS reviewed this matter and stated his recommendation to set the Public hearing date for January 27, 2009.

MOTION by KRZEMINSKI seconded by NEVERS to schedule a Public Hearing for the Industrial Facilities Tax Exemption request by Global Tooling Systems for January 27, 2009.

MOTION carried.

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10. **Request to Re-appoint Members to the Macomb Township Board of Canvassers.**

Clerk KOEHS reviewed this matter and stated his recommendation for approval.

MOTION by NEVERS seconded by MALBURG to approve the re-appointment of members Duncan L. Harper and Thomas L. McVicar to the Macomb Township Board of Canvassers for a terms to expire on December 31, 2012.

MOTION carried.

11. **Request for 2009 Dues Payment; Clinton River Watershed Council.**

Clerk Koehs reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by BUCCI to approve the 2009 Dues payment for Clinton River Watershed Council in the amount of \$4,500.00.

MOTION carried.

12. **Review of Funding of Retiree Health Care.**

Clerk Koehs reviewed this matter and stated that the fund has experienced a shortfall due mainly to a decline in investment earnings and he reviewed the recommendations for fully funding the Retiree Health Care Fund, as proposed in the written report from the actuarial study.

MOTION by KRZEMINSKI seconded by MALBURG to amend the budget as follows:

- A) increase the General Fund from nine million two hundred ninety seven thousand twenty seven dollars (\$9,297,027.00) to eleven million twelve thousand nine hundred twenty two dollars (\$11,012,922.00),**
- B) increase the Water & Sewer Fund from eighteen million three hundred ninety nine thousand eight hundred ninety six dollars (\$18,399,896.00) to nineteen million sixty two thousand one hundred ninety two dollars (\$19,062,192.00),**
- C) increase the Park and Recreation Fund from four million six hundred twenty thousand five hundred seventy five dollars (\$4,620,575.00) to four million eight hundred one thousand three hundred thirty four dollars (\$4,801,334.00), and**
- D) increase the Fire Fund from three million eight hundred fifty seven thousand ninety six dollars (\$3,857,096.00) to four million two hundred eighteen thousand three hundred twenty two dollars (\$4,218,322.00).**

MOTION carried.

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MOTION by KRZEMINSKI seconded by KOEHS to contribute to the Retiree Health Care Fund following amounts from the accounts indicated:

- A) from the General Fund, one million four seven thousand one hundred sixty nine dollars and twenty one cents (\$1,407,169.21),**
- B) from the Water and Sewer Fund, five hundred forty three thousand one hundred thirty four dollars and seventy four cents (\$543,134.74),**
- C) from the Parks and Recreation Fund, one hundred forty eight thousand two hundred thirty six dollars and fifty one cents (\$148,236.51),**
- D) from the Fire Fund, two hundred ninety six thousand two hundred thirty three dollars and fifty four cents (\$296,233.54),**
- E)**
for a total contribution of two million three hundred ninety four thousand seven hundred seventy four dollars (\$2,394,774.00).

MOTION carried.

MOTION by KRZEMINSKI seconded by KOEHS to authorize the contribution of twelve and fifty three one hundredths percent (12.53%) of payroll to the Retiree Health Care Fund on a quarterly basis to cover the future liabilities of the fund.

MOTION carried.

PARKS AND RECREATION

13.  Request to Paint the Senior Center.

Mr. Salvatore Dicaro, Parks and Recreation Director, reviewed this matter and the four quotes received and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by NEVERS to approve the request to authorize Mike Novak Painting to paint the Senior Center at a cost of one thousand seven hundred ninety five dollars (\$1795.00).

MOTION carried.

14.  Request to Attend the Michigan Recreation and Parks Association Conference.

Mr. Salvatore Dicaro, Parks and Recreation Director, reviewed this matter and stated his recommendation for approval.

MOTION by BUCCI seconded by MALBURG to approve this request in an amount not to exceed \$1500.00 plus mileage and meals.

MOTION carried.

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HUMAN RESOURCES

15.  Request for Adoption of Updated Family Medical Leave Policy.

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

MOTION by KOEHS seconded by MALBURG to approve this request as presented and adopt the policy.


MOTION carried.

16.  Request for a Resolution to allow Human Resources to Administer the Family Medical Leave Program.

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

MOTION by KRZEMINSKI seconded by NEVERS to resolve to authorize the Human Resources Department to administer the Family Medical Leave Program.


MOTION carried, resolution declared adopted.

17.  Annual Salary Review – Non-Represented Positions.

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

MOTION by BUCCI seconded by NEVERS to not approve any raises for non represented positions for a period of one year due to current economic conditions.

MOTION carried.

18.  Request to Renew Service Agreement; Greater Detroit Heating and Cooling, Inc.
(Tabled indefinitely)

FIRE DEPARTMENT


19.  Request to Purchase Eight (8) Motorola Fire Pagers.

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

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MOTION by MALBURG seconded by KOEHS to approve the purchase of eight (8) Motorola pagers from Advanced Wireless in the amount of three thousand six hundred ninety five dollars and thirty six cents (\$3,695.36).


MOTION carried.

20.  Request to Purchase a Digital Recording System.

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

MOTION by NEVERS seconded by MALBURG to approve the purchase of a digital recording system from DSS Corporation in the amount of nine thousand five hundred dollars (\$9,500.00).

MOTION carried.

21.  Request to Purchase Equipment for the Mini-Pumper.

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

MOTION by BUCCI seconded by KRZEMINSKI to approve this request to purchase equipment from Heiman Fire Equipment in the amount of one thousand four hundred seventy five dollars (\$1,475.00).

MOTION carried.

22.  Request to Purchase Fire Hose.

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

MOTION by KOEHS seconded by MALBURG to approve the purchase of fire hose from W.S. Darley Company in the amount of twelve thousand eight hundred fifty six dollars (\$12,856.00).

MOTION carried.

WATER AND SEWER DEPARTMENT


23.  MDOT Annual Permit.

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

MOTION by KRZEMINSKI seconded by BUCCI to authorize the supervisor to sign the MDOT Annual permit.

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MOTION carried.

24.  MDOT Performance Resolution for Governmental Bodies.

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

MOTION by BUCCI seconded by KRZEMINSKI to adopt the following resolution:

RESOLVED WHEREAS, the Township of Macomb, hereinafter referred to as the "GOVERNMENTAL AGENCY," 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;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY 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 AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT AGENCY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, 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. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL

2. The GOVERNMENTAL AGENCY 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 volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from

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the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCIES facilities according to a PERMIT issued by the DEPARTMENT.

4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCIES 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 from requiring additional performance security or insurance before issuance of a PERMIT.

6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY 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 GOVERNMENTAL AGENCY 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 trunkline right of way on behalf of the GOVERNMENTAL AGENCY, the Supervisor and the Water & Sewer Department Superintendent.

AYES: BUCCI, KRZEMINSKI, MALBURG, NEVERS, GRABOW, KOEHS
NAYS: None
Absent: DUNN

MOTION carried, resolution declared adopted.

BOARD COMMENTS

25 Supervisor Comments:

Supervisor GRABOW commented on the economic downturn.

26. Clerk Comments: Clerk Koehs commended the Finance Department and Finance Manager Stacy VanReyendam for the fine job they did for the recent township audit.

27. Treasurer Comments: None

28. Trustees Comments:

MOTION by NEVERS supported by KRZEMINSKI to authorize the development of a Request for Proposal for gasoline purchases for Township Vehicles.

MOTION carried.

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MOTION by BUCCI supported by NEVERS to adopt the following policy regarding compensating employees for declared 'snow days':

Any employee who is off work on approved benefit time when a 'snow day' is declared will remain on that benefit time and not be allowed to restore that benefit time to the accumulated bank hours that it was charged against.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by KRZEMINSKI to adjourn the Board of Trustees meeting at 7:57 p.m.

MOTION carried.

Respectfully submitted,

Mark H. Grabow
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk