

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 14, 2009

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.

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 and 12b were added.

MOTION by DUNN seconded by KRZEMINSKI to approve the agenda as amended and presented.

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 BUCCI to approve both bill runs as presented.

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 14, 2009

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on December 22, 2008 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by KRZEMINSKI seconded by MALBURG to approve the minutes of the meeting of December 22, 2008 as presented.


MOTION carried.

5.  **Consent Agenda Items:**




A. Clerk's Department:

1. **Wall Sign Bond Release;** Sargent Appliance; Sargent Appliance, Petitioner.
2. **Pump Station Bond Release;** Urban Meadows Subdivision; Urban Enterprises, LLC, Petitioner.
3. **Model Permit Bond Release;** Villagio Subdivision – Lots 58, 61, 65 and 79; Largo Building Corporation, Petitioner.
4. **Wall Sign Bond Release;** Kroger Store “Walk Up Pharmacy”; Great Lakes Electrical Sign Company, Petitioner.
5. **Wall Sign Bond Release;** Bella Liquor and Wine; Sign Fabricators, Inc., Petitioner.

B. Water/Sewer Dept.

1.  Easement Encroachment: Joy Breeze, 52433 Westfield Drive, Macomb, MI, 48042, Silver Pines Condos Unit 76 Building 8. Sidwell # 08-17-126-076.

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 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 KRZEMINSKI seconded by NEVERS to approve the Consent Agenda as presented.


MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 14, 2009

6. **Public Comments**

Sylvester and Elizabeth Malburg discussed a complaint they had against the township Assessor and Dolores Michaels stated the township needs to do more to welcome businesses to the community.

PLANNING


7.  **Request for a Land Division Variance;** Manthey Farms Subdivision; Located on the west side of Garfield Road, 120 feet north of Haverhill Drive, Section 30; Permanent Parcel Number 08-30-200-032; Chippewa Valley Schools, Petitioner.

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 DUNN to approve the request for a Land Division Variance of the stub street requirement for the Manthey Farms Subdivision which is located on the west side of Garfield Road, 120 feet north of Haverhill Drive in Section 30, Permanent Parcel Number 08-30-200-032

MOTION carried.

8.  **Tentative Preliminary Plat; Manthey Farms Subdivision;** Section 30; Located on the west side of Garfield Road, 120 feet north of Haverhill Drive; Permanent Parcel No. 08-30-200-032; Chippewa Valley Schools, Petitioner.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated the recommendation of the Planning Commission for approval.

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

MOTION by DUNN seconded by KRZEMINSKI to approve the Tentative Preliminary Plat for the Manthey Farms Subdivision in which is located on the west side of Garfield Road, 120 feet north of Haverhill Drive in Section 30, Permanent Parcel No. 08-30-200-032.

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 14, 2009

OLD BUSINESS

9. **Request to Authorize Posting;** Administrative Assistant, Planning Section, pursuant to the Collective Bargaining Agreement.

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

MOTION by KRZEMINSKI seconded by MALBURG to approve the request to authorize posting for an Administrative Assistant in the Planning Section pursuant to the Collective Bargaining Agreement.

MOTION carried.

NEW BUSINESS

10. **Request to Approve a Transfer of a Class C Liquor License;** Giuseppi's Trattoria Restaurant; Located on the south east corner of 21 Mile Road and Hayes Road; Section 31, Permanent Parcel Number 08-31-100-008.

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

Mr. Joe Borgia, petitioner, was present to answer any questions the Board might have.

MOTION by KRZEMINSKI seconded by NEVERS to approve the request to Transfer of a Class C Liquor License to Giuseppi's Trattoria Restaurant which is located on the south east corner of 21 Mile Road and Hayes Road in Section 31, Permanent Parcel Number 08-31-100-008.

MOTION carried.

11. **Request to Approve Facility Rental Form.**

MOTION by BUCCI seconded by KRZEMINSKI to table this request to approve the Facility Rental Form to the January 26, 2009 Board meeting.

MOTION carried.

12. **Request to Authorize Fire Chief to Conduct Training.**

MOTION by BUCCI seconded by KRZEMINSKI to table this item to the January 26, 2009 Board meeting.

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 14, 2009

- 12a. Request to waive the Special Land Use and Revised Site plan fees for Macomb Corners II.

Clerk KOEHS reviewed this matter and suggested that since the Township is the petitioner in this case, the Board should consider waiving the fees.

MOTION BY DUNN seconded by KOEHS to waive the Special Land Use and Revised Site plan fees for Macomb Corners II as presented.

MOTION Carried

- 12b. Request to Move the Board of Trustees Meeting from Tuesday January 27, 2009 to Monday January 26, 2009.

MOTION by DUNN seconded by BUCCI to move the Board of Trustees Meeting from Tuesday January 27, 2009 to Monday January 26, 2009.

MOTION Carried.

ASSESSING DEPARTMENT

13.  Request to Print & Mail the Valuation and Classification Notices.

Phyllis Sharbo, Township Assessor, reviewed this matter and stated her recommendation for approval.

MOTION by NEVERS seconded by DUNN to approve the Request for Matrix Printing to Print & Mail the Valuation and Classification Notices at a cost of \$2,353.00, plus postage.

MOTION carried.

14.  Request to Adopt the Property Tax Poverty Exemption Resolution.

Phyllis Sharbo, Township Assessor, reviewed this matter and stated her recommendation for approval.

MOTION by KRZEMINSKI seconded by BUCCI to adopt the Property Tax Poverty Exemption Resolution as follows:

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

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 14, 2009

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 Wednesday the 14th of January, 2009.

The following preamble and resolution were offered by Member KRZEMINSKI and seconded by Member BUCCI:

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:

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.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 14, 2009

Applicants **MUST** file a completed "Hardship Exemption Application" with the Board of Review on a form provided by the Assessing Department and include a copy of their W-2 Forms, Federal Income Tax Returns, Michigan Income Tax Returns including the Michigan Homestead Property Tax Credit Claim (MI-1040CR) and all supporting documents and schedules for **ALL PERSONS** residing in the homestead, filed in the immediately preceding year or in the current year.

Applicants **MUST** provide a copy of the Social Security Benefit Statement (form SSA-1099) for **ALL PERSONS**, residing in the homestead, which receive social security benefits.

Applicants **MUST** provide a copy of their bank statements, for the immediately preceding six month, of all checking and savings accounts.

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, including all required information above, **MUST** be filed after January 1 and before the day prior to the final day of the March, July or December 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 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.
Aye: KRZEMINSKI, BUCCI, NEVERS, DUNN, MALBURG, KOEHS, GRABOW

Nay: None

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 14, 2009

MOTION carried, resolution declared adopted..

15. **Request to Adopt a Resolution to Revoke an Industrial Facilities Exemption Certificate;** Simco Automotive, located at 51362 Quadrate Drive; Certificate Number 2000-636, Real Property, beginning December 31, 2000 and ending December 31, 2011.

Phyllis Sharbo, Township Assessor, reviewed this matter, indicating the premises were vacated and Simco Automotive violated the Abatement Agreement. She further stated her recommendation for approval.

MOTION by BUCCI seconded by KRZEMINSKI to adopt a resolution to Revoke an Industrial Facilities Exemption Certificate for Simco Automotive, located at 51362 Quadrate Drive; Certificate Number 2000-636, Real Property, beginning December 31, 2000 and ending December 31, 2011 because Simco Automotive vacated the premises and violated the Abatement Agreement.

For This Resolution: BUCCI, KRZEMINSKI, MALBURG, DUNN, NEVERS, KOEHS, GRABOW

Against: None

Absent: None

MOTION carried, resolution declared adopted.

16. **Request to Adopt Resolution to Revoke a Industrial Facilities Exemption Certificate;** Rock Tops, Inc.; located at 17411 23 Mile Road, Certificate Number 2003-578, Personal Property, beginning December 31, 2004 and ending December 31, 2010.

Phyllis Sharbo, Township Assessor, reviewed this matter indicating Rock Tops vacated the premises and also violated the Abatement Agreement. She further stated her recommendation for approval.

MOTION by BUCCI seconded by KRZEMINSKI to adopt Resolution to Revoke a Industrial Facilities Exemption Certificate for Rock Tops, Inc.; located at 17411 23 Mile Road, Certificate Number 2003-578, Personal Property, beginning December 31, 2004 and ending December 31, 2010 because Rock Tops vacated the premises and violated the Abatement Agreement.


For This Resolution: BUCCI, KRZEMINSKI, NEVERS, DUNN, MALBURG, KOEHS, GRABOW

Against: None

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 14, 2009

MOTION carried, resolution declared adopted.

FIRE DEPARTMENT

17.  Request to Purchase Hydraulic Hose for Extrication Equipment.

Chief Robert Phillips, reviewed this matter, indicating a cost of \$1,491.30 from Rescue Equipment Sales and Service and stated his recommendation for approval.

MOTION by DUNN seconded by NEVERS to approve the Request to Purchase Hydraulic Hose for Extrication Equipment from Rescue Equipment Sales and Service at a cost of one thousand four hundred ninety one dollars and thirty cents (\$1,491.30).

MOTION carried.

18.  Request to Purchase Equipment for the New Mini-Pumper.

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

MOTION by KOEHS seconded by DUNN to approve the Request to Purchase Equipment for the New Mini-Pumper from W.S. Darley and Company at a cost of six thousand seven hundred forty dollars and sixteen cents (\$6,740.16).

MOTION carried.


19.  Request to Promote Three (3) Probationary Fire Fighters.

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

MOTION by DUNN seconded by NEVERS to approve the request to promote the following three (3) Probationary Fire Fighters; James Muirhead, Joseph Nothdurft and Adam Shepherd.

MOTION carried.

WATER AND SEWER DEPARTMENT


20.  Engineer's Payment Certificate No. 16; Pump Station No. 7 Replacement SDA Job No. MA05-026 & Romeo Plank Road Water Main Replacement SDA Job No. MA06-010.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 14, 2009

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

MOTION by BUCCI seconded by MALBURG to approve the Engineer's Payment Certificate No. 16 for Pump Station No. 7 Replacement, SDA Job No. MA05-026 & the Romeo Plank Road Water Main Replacement, SDA Job No. MA06-010 for a cost of one hundred forty six thousand seven hundred forty eight dollars and seventy seven cents (\$146,748.77).

MOTION carried.

21.  Request for authorization to award the bid for the Romeo Plank Water Main Replacement Project MA07-008 to Stante Excavating Company, Inc.

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

MOTION by NEVERS seconded by DUNN to approve the Request for authorization to award the bid for the Romeo Plank Water Main Replacement Project MA07-008 to Stante Excavating Company, Inc. for a cost of one million six hundred twenty two thousand one hundred ninety eight dollars and five cents (\$1,622,198.05).

MOTION carried.

22.  Request to Replace Pump # 2 at Pump Station # 11.

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

MOTION by KRZEMINSKI seconded by BUCCI to approve the Request to Replace Pump # 2 at Pump Station # 11 for a cost of three thousand two hundred eighty dollars (\$3,280.00).

MOTION carried.

23. Review and Consider the 2008-2009 DWSD Water & Sewer Rate Adjustment.

Mr. Gerry Wangelin, Acting Water & Sewer Superintendent and Mark Hurst from Plante & Moran reviewed this matter and stated their recommendation for approval.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 14, 2009

MOTION by KRZEMINSKI seconded by DUNN to approve the 2008-2009 DWSD Water & Sewer Rate Adjustment as presented.

MOTION carried.

BOARD COMMENTS

24. Supervisor Comments: Supervisor Grabow thanked the Board members for their cooperation in assisting him in various issues.
25. Clerk Comments: None
26. Treasurer Comments: Treasurer Marie Malburg stated tax bills will be mailed soon.
27. Trustees Comments:

Trustee Nevers stated she wished to rescind her motion from the last meeting regarding the RFP gasoline issue.

MOTION by NEVERS seconded by KRZEMINSKI to rescind the previous motion made at last Board meeting regarding the Request for Proposal gasoline issue.

MOTION Carried.

Trustee NEVERS stated she wished to make a motion to seek bids from township gas stations in order to obtain the best price possible for fuel for township vehicles.

MOTION by NEVERS seconded by KRZEMINSKI to seek bids with township gas stations in order to obtain the best price possible for fuel for township vehicles.

MOTION Carried.

Trustee BUCCI indicated he wanted the Manpower Study submitted by Human Resources added to the next Board meeting agenda for January 26, 2009.

MOTION by BUCCI seconded by KRZEMINSKI to add the review of the Manpower Study to the next Board meeting agenda scheduled for January 26, 2009.

MOTION Carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 14, 2009

ADJOURNMENT

MOTION by BUCCI seconded by KRZEMINSKI to adjourn the Board of Trustees meeting at 8:15 p.m.

MOTION carried.

Respectfully submitted,

Mark H. Grabow
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk