

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, MAY 27, 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 15 and 29 were tabled.

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.

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APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on May 13, 2009 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 May 13, 2009 as presented.

MOTION carried.

5. **Consent Agenda Items:**

- A. Clerk's Department:
 1. Ground Sign Bond Release; Flagstar Bank; Fairmont Sign Company, Petitioner.
 2. Model Bond Release; Margherita Estates Subdivision – Lot 1; Excel Homes, Petitioner.
 3. Site Plan Bond Release; Park Lane Plaza; Nicholas Lubnik, Petitioner.
 4. Temporary Builder Ground Sign Bond Release; The Rivers Estates; Sal-Mar Farm Ltd Partnership, Petitioner.
 5. Temporary Builder Ground Sign Bond Release; Gateway Village Estates; Sal-Mar of Gateway Estates, Inc.
 6. Wall Sign Bond Release; Crafty Lady Trio; Cornell Sign Company, Petitioner.
 7. Site Plan Bond Release; Rite Aid Pharmacy; RAC Hayes, LLC, Petitioner.
- B. Water/Sewer Dept.
 1. Easement Encroachment: Kimberly A Jordan, 16895 Orchard Gardens Drive, Sidwell # 08-05-127-030.
 2. Easement Encroachment: Mike P. Grimmer & Deborah Grimmer, 20279 Ramblewood Drive, Sidwell # 08-28-446-011.

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. *(No items were added or removed).*

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

MOTION carried.

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6. **Public Comments**

Mr. George VanLoon expressed his opposition to the recently passed Water Use Ordinance and requested that the Board of Trustees rescind the ordinance.
(No action was taken by the Board).

Mr. Henry Chiodini spoke regarding the Board of Trustees responses to items brought forward by concerned citizens.

6A. **DTE Presentation on Grant Proposal**

Supervisor GRABOW introduced Mr. Donald Boznay from DTE who made a presentation regarding the Energy Efficiency and Renewable Energy grant strategies project.

Mr. Boznay indicated that DTE could provide the consulting services for this project for approximately twelve thousand five hundred dollars (\$12,500.00) and that this money could be paid from the grant itself.

MOTION by KOEHS seconded by DUNN to retain DTE as a consultant for the Energy Efficiency and Renewable Energy grant strategies project.

MOTION carried.

PLANNING

7. **Extension of Time for the Preliminary Plan; Monarch Estates Site Condominiums;** Located on the north side of 22 Mile Road, east of Garfield Road; Section 20; Malburg Partners, LLC, Petitioner. Permanent Parcel 08-20-300-013.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated that the Planning Commission recommended approval of the extension and further stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by BUCCI to approve the Extension of Time for the Preliminary Plan of Monarch Estates Site Condominiums which are located on the north side of 22 Mile Road, east of Garfield Road in Section 20, Permanent Parcel 08-20-300-013.

MOTION carried.

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8. **Extension of Time for the Preliminary Plan; Wingfield Estates Site Condominiums;** Located on the North side of 22 Mile Road, east of Garfield Road; Section 20; 22 Properties, Petitioner. Permanent Parcel 08-20-300-002.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated that the Planning Commission recommended approval of the extension and further stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by DUNN to approve the Extension of Time Preliminary Plan for the Wingfield Estates Site Condominiums which are located on the North side of 22 Mile Road, east of Garfield Road in Section 20, Permanent Parcel 08-20-300-002.

MOTION carried.

9. **Revised Preliminary Plan;** Lakeside Industrial Condominiums; Located on the east side of Hayes Road ¼ of a mile north of 22 Mile Road; Section 19; Permanent Parcel Number 08-19-300-013.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated that the Planning Commission recommended approval of the extension and further stated his recommendation for approval.

MOTION by DUNN seconded by NEVERS to approve the Revised Preliminary Plan for the Lakeside Industrial Condominiums which are located on the east side of Hayes Road ¼ of a mile north of 22 Mile Road in Section 19, Permanent Parcel Number 08-19-300-013.

MOTION carried.

10. **Revised Final Plan;** Lakeside Industrial Condominiums; Located on the east side of Hayes Road ¼ of a mile north of 22 Mile Road; Section 19; Permanent Parcel Number 08-19-300-013.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated that the Planning Commission recommended approval of the extension and further stated his recommendation for approval.

MOTION by DUNN seconded by MALBURG to approve the Revised Final Plan for the Lakeside Industrial Condominiums which are located on the east side of Hayes Road ¼ of a mile north of 22 Mile Road in Section 19, Permanent Parcel Number 08-19-300-013.

MOTION carried.

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OLD BUSINESS

11. Request to Approve the Water Service Contract between Macomb Township and the City of Detroit.

Mr. James VanTiflin, Township Engineer, reviewed this matter and stated that our legal counsel, the engineering staff and the Water and Sewer Staff had all reviewed this document and are recommending approval

MOTION by DUNN seconded by MALBURG to approve the Water Service Contract between Macomb Township and the City of Detroit and to authorize the Supervisor and the Clerk to sign it.

MOTION carried.

NEW BUSINESS

12. Request to Renew Michigan Townships Association Dues for 2009-2010.

Clerk KOEHS reviewed this matter and stated that this is the annual dues request and he reviewed the benefits of retaining membership. He also stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by BUCCI to approve the request to renew the membership in the Michigan Township Association for the amount of six thousand four hundred fifty four dollars and thirty four cents (\$6,454.34).

MOTION carried.

13. Request Authorization to Defend Tribunal Appeals; Card-21 LLC v. Macomb Township., All American Container Corp. v. Macomb Township., Sal-Mar Center LLC v. Macomb Township., Alan Harajli v. Macomb Township.

Clerk KOEHS reviewed this matter and stated that there are currently over fifteen (15) tax tribunal appeals, and the deadline for submittal is June 1, 2009. He further stated his recommendation for approval of authorizing legal defense for all properly submitted appeals filed by the legal deadline.

MOTION by KOEHS seconded by DUNN to authorize Township legal counsel to defend all Michigan Tax Tribunal Appeals filed by the legal deadline.

MOTION carried.

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HUMAN RESOURCES

14. Request Authorization for Promotion.

Mr. John Brogowicz, Human Resources Director, reviewed this matter and stated his recommendation to promote Mr. Edward Koenig to the position of Assistant Water & Sewer Superintendent.

MOTION by NEVERS seconded by KOEHS to promote Mr. Edward Koenig to the position of Assistant Water & Sewer Superintendent effective June 1, 2009 provided that he obtain his S-2 certification within two years of his promotion.

MOTION carried.

15. Request Authorization to Initiate Recruitment Process.

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

This matter was tabled to the meeting of June 10, 2009.

16. Request Authorization to Repair and Seal Town Hall Parking Lot.

Mr. John Brogowicz, Human Resources Director, reviewed this matter and stated his recommendation to award this project to A&R Sealcoating, Inc. in the amount of ten thousand twenty five dollars (\$10,025.00).

MOTION by BUCCI seconded by KRZEMINSKI to award this project to A&R Sealcoating, Inc. in the amount of ten thousand twenty five dollars (\$10,025.00).

MOTION carried.

FIRE DEPARTMENT

17. Request to Purchase Motorola Fire Pagers.

Chief Robert Phillips, reviewed this matter and stated that these fifteen (15) units will be used by the recent hires and that two of the units will be kept in reserve. He further stated his recommendation to purchase these from Advanced Wireless in the amount of six thousand nine hundred sixty eight dollars and eighty cents (\$6,968.80).

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MOTION by DUNN seconded by KOEHS to approve the purchase of fifteen (15) Motorola Wireless Pagers from Advanced Wireless in the amount of six thousand nine hundred sixty eight dollars and eighty cents (\$6,968.80).

MOTION carried.

WATER AND SEWER DEPARTMENT

18. Contract Change Order No. 1 Final Balancing: Brentwood Farms Cross-Creek Sidewalk SDA Job No. MA04-017.

Mr. Gerry Wangelin, Water & Sewer Superintendent, reviewed this matter and stated his and the engineer's recommendation for approval.

MOTION by DUNN seconded by MALBURG to approve the change order and the payment of Change Order No. 1, Final Balancing for Brentwood Farms Cross-Creek Sidewalk, SDA Job No. MA04-017 in the amount of ten thousand fifty dollars (\$10,050.00) to Teltow Contracting, Inc.

MOTION carried.

19. Engineers Payment Certificate No. 2 Final: Brentwood Farms Cross-Creek Sidewalk SDA Job No. MA04-017.

Mr. Gerry Wangelin, Water & Sewer Superintendent, reviewed this matter and stated his and the engineer's recommendation for approval.

MOTION by BUCCI seconded by KRZEMINSKI to approve the Engineers Payment Certificate No. 2, Final Payment, for Brentwood Farms Cross-Creek Sidewalk, SDA Job No. MA04-017 in the amount of twenty two thousand nineteen dollars and sixty five cents (\$22,019.65)

MOTION carried.

20. Engineer Payment Certificate No. 3: Romeo Plank Water Main Replacement SDA Job No. MA07-008.

Mr. Gerry Wangelin, Water & Sewer Superintendent, reviewed this matter and stated his and the engineer's recommendation for approval.

MOTION by DUNN seconded by MALBURG to approve the Engineer Payment Certificate No. 3: Romeo Plank Water Main Replacement SDA Job No. MA07-008 in the amount of three hundred fifty four thousand seven hundred fourteen dollars and twenty five cents (\$354,714.25)

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MOTION carried.

21. Request to Award Weed Spraying Around Fire Hydrants .

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

MOTION by BUCCI seconded by DUNN to approve the request for weed spraying around the fire hydrants and to award this project to United Lawnscape in the amount of five dollars and seventy cents (\$5.75) per hydrant.

MOTION carried.

22. Request for printing and postage of the 2008 Water Connection Report.

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

MOTION by NEVERS seconded by DUNN to approve the printing and postage of the 2008 Water Connection Report and to award this project to Litho Printing Service, Inc. in the amount of two thousand five hundred ninety dollars (\$2,590.00).

MOTION carried.

BOARD COMMENTS

23. Supervisor Comments:

Supervisor GRABOW advised everyone that St. John's Hospital would be conducting a Senior Citizen Health Day on June 18, 2009 and that there would also be a Seniors Summer Social Picnic at Tina's Country House between 11:30 a.m. and 1:30 p.m. on that same day.

24. Clerk Comments:

Clerk KOEHS proposed the following resolution regarding Eagle Scout Justin Barla:

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Resolution Honoring
Eagle Scout
Justin R. Barla

At a regularly scheduled meeting of the Board of Trustees of the Township of Macomb, County of Macomb, State of Michigan held in the Township Hall in said township on the 27th day of May, 2009 at 7:00 PM the following preamble and resolution were offered:

Whereas, Justin R. Barla started his scouting career with Pack 77 during which time he received his Arrow of Light; and,

Whereas, Justin R. Barla continued his scouting career with Boy Scout Troop 208 where he has distinguished himself by earning twenty three merit badges; and,

Whereas, Justin R. Barla has earned numerous awards and served as Assistant Patrol Leader, Patrol Leader, Scribe and Quartermaster; and,

Whereas, Justin R. Barla is a student at Eisenhower High School where he is a member of the Junior Class and the National Honor Society and, by his own actions, achievements and high moral standards has made himself a role model to other scouts and to his peers,

Now Therefore Be It Resolved, by the Board of Trustees of the Township of Macomb, County of Macomb, Michigan speaking on behalf of all Macomb Township Citizens as follows:

That By These Presents, the Macomb Township Board of Trustees recognizes the dedication, commitment and personal sacrifices Justin R. Barla has made to obtain the rank of Eagle Scout; and,

Be It Further Resolved, that the Macomb Township Board of Trustees hereby commends and publicly extends its congratulations to Justin on his elevation to Eagle Scout and further extends its best wishes to Justin in his future endeavors;

Now Therefore, the Macomb Township Board of Trustees hereby proclaims,

Saturday, June 6, 2009

Justin R. Barla Day

in

Macomb Township

MOTION by KRZEMINSKI seconded by NEVERS to adopt the above resolution.

MOTION carried unanimously.

Clerk KOEHS then spoke regarding comments that were made at the last Board meeting regarding law enforcement services and gave a cost review based on information supplied by Sheriff Mark Hackel at the Board meeting of April 22, 2009.

25. Treasurer Comments: None

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26. Trustees Comments:

Trustee DUNN reported on the meeting of the Grant Writer Subcommittee and recommended that she and Trustee NEVERS attend a grant writing workshop in Ann Arbor on June 4th and 5th.

MOTION by KRZEMINSKI supported by MALBURG to authorize Trustees DUNN and NEVERS to attend the Grant Writing Workshop on June 4th and 5th in Ann Arbor for a cost of four hundred twenty five dollars (\$425.00) per person.

MOTION carried.

EXECUTIVE SESSION

MOTION by BUCCI seconded by KRZEMINSKI to adjourn to Executive Session at 8:02 p.m.

MOTION carried.

The Board returned from Executive Session at 8:50 p.m.

27. Review of Tentative Agreement between Township and MAFF/Paid-on-Call Firefighters.

MOTION by KOEHS seconded by KRZEMINSKI to approve the proposed collective bargaining agreement between the Michigan Association of Fire Fighters and Macomb Township as presented.

MOTION carried.

28. Proposed Settlement; Rite Aid v Macomb Township; 08-5264-CC

MOTION by KOEHS seconded by KRZEMINSKI to approve the proposed settlement in the matter of Rite Aid v. Macomb Township, Circuit Court Case No. 08-5264-CC as presented.

MOTION carried.

29. Township of Macomb v. Malone; Circuit Court Case No. 08-5265-CC.

This matter was tabled to the meeting of June 10, 2009.

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ADJOURNMENT

MOTION by BUCCI seconded by KRZEMINSKI to adjourn the Board meeting at 8:57 p.m.

MOTION carried.

Respectfully submitted,

Mark H. Grabow
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk