

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, AUGUST 12, 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 7a, 11a, 11b, 11c, 11d, 11e, 13a, and 17a were added; item 10 was tabled for two weeks and item 18 was removed from the agenda.

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 July 22, 2009 were reviewed and any additions, corrections or deletions were discussed and made.

Trustee DUNN noted that a review of the video from the meeting of July 8 clearly showed that the Supervisor voted 'NO' on the investigation of the Building Security Issue. This review shows that the minutes of July 8, 2009 that were approved as corrected at the July 22, 2009 meeting need to be returned to their original wording.

MOTION by DUNN seconded by NEVERS to reconsider the motion to approve the minutes of the meeting of July 8, 2009 as corrected.

MOTION carried.

MOTION by DUNN seconded by KRZEMINSKI to approve the minutes of the meeting of July 8, 2009 as originally presented with no corrections.

MOTION carried.

MOTION by DUNN seconded by MALBURG to approve the minutes of the meeting of July 22, 2009 as presented.

MOTION carried.





5.  **Consent Agenda Items:**

A. Clerk's Department:

1. Landscape Bond Release; Gateway Farms Subdivision; Polarity Development.
2. Site Plan Bond Release; CVS Pharmacy; Seerco, Inc.
3. Landscape Bond Release; Golden Gate Subdivision; Trilson Development, LLC.
4. Site Plan Bond Release; T-Mobil DECO #7988; T-Mobil Central, LLC.
5. Special Events Bond Release; Aspen Restaurant; R & S Aspen, LLC.
6. Special Events Bond Release: St. Isidore Strawberry Festival.
7. Wall Sign Bond Release; Create-A-Cut; Bright Star Inc.
8. Vendor/Peddler Bond Release; Erie Construction Mid-West, Inc.
9. Vendor/Peddler Bond Release; Emmy L. Stoffel, Emmy L. Stoffel.
10. Vendor/Peddler Bond Release; Laura Steinhorst, Laura Steinhorst.
11. Vendor/Peddler Bond Release; Edward Jones Investment, Daniel N. Lawrence.
12. Vendor/Peddler Bond Release; Performance Fiberglass Inc.
13. Special Events Bond Return; Boyland Nissan; Boyland Nissan of Macomb.
14. Ground Sign Bond Return; Simco Automotive; Simco Automotive.

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



B. Water/Sewer Dept.

1.  Easement Encroachment: 56506 Broadmoor Lane, Sidwell # 08-05-127-021.
2.  Easement Encroachment: 22736 Fieldcrest Drive, Sidwell # 08-35-280-001.
3.  Easement Encroachment: 46951 Oak Pointe Drive, Sidwell # 08-36-202-031.
4.  Easement Encroachment: 21895 Preserve Court, Sidwell # 08-23-122-002.

C. Human Resources

1.  Request for a Personal Leave of Absence - Fire Department

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 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 BUCCI to approve the Consent Agenda as presented.

MOTION carried.

6. **Public Comments -** (3 minute time limit)

Robert Barsotti, Thomas McManus, Heather Dombrowski, Frank Torre, Thomas Habel, Ben Porselli, Amy Gillis, Jeffrey Sprys, Brian Winston, John McCoy, Kevin Karwowicz, James Gillis and Frank Campbell all spoke regarding matters of the township.

PLANNING

7.  Request for Extension of Time; Final Plan; Strathmore II Site Condominiums; Located on south side of 26 Mile Road, 1050 feet east of Luchtman Road; Section 4. L & C 26 Mile Road Properties, LLC, Petitioner.

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

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MOTION by BUCCI seconded by KRZEMISNKI to approve the request for Extension of Time for the Final Plan of the Strathmore II Site Condominiums which are Located on south side of 26 Mile Road, 1050 feet east of Luchtman Road in Section 4 for a period of one (1) year.

MOTION carried.

- 7a. Manpower Study *(This matter was tabled from July 22, 2009).*

Trustee BUCCI requested that the Board review only the matter of the 'Hours of Operation' for the township offices at this session. After some discussion it was recommended that the hours of operation remain as they currently are for the entire year.

MOTION by BUCCI seconded by KOEHS to set the Township Offices 'Hours of Operation' at 8:00 a.m. to 4:30 p.m., Monday through Friday.

MOTION carried.

NEW BUSINESS

8. Request for Authorization to Defend Appeals to the Michigan Tax Tribunal; Broughton Development v Macomb and Beaufait Farms LLC v Macomb.

Clerk KOEHS reviewed this matter and stated his recommendation to approve the authorization for both appeals.

MOTION by KOEHS seconded by KRZEMISNKI to approve the Request for Authorization to Defend Appeals to the Michigan Tax Tribunal; Broughton Development v Macomb and Beaufait Farms LLC v Macomb.

MOTION carried.

9. Request to Adopt an Eagle Scout Resolution honoring Charles Patrick Sadler II.

Clerk KOEHS reviewed this matter and stated his recommendation for adopting the proposed Eagle Scout resolution.

MOTION by KRZEMISNKI seconded by MALBURG to approve the following resolution:

Resolution Honoring
Eagle Scout
Charles Patrick Sadler II

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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 12th day of August, 2009 at 7:00 PM the following preamble and resolution were offered by member Krzeminski and supported by member Malburg.

Whereas, Charles Patrick Sadler II started his scouting career with Pack 19 during which time he received his Arrow of Light; and,

Whereas, Charles Patrick Sadler II continued his scouting career with Boy Scout Troop 208 where he has distinguished himself by earning twenty one merit badges; and,

Whereas, Charles Patrick Sadler II has earned numerous awards and served as Assistant Patrol Leader, Patrol Leader, Quartermaster, Chaplain Aide and Senior Patrol Leader; and,

Whereas, Charles Patrick Sadler II is a student at Eisenhower High School where he is a member of the Senior Class 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 Charles Patrick Sadler II 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 Charles on his elevation to Eagle Scout and further extends its best wishes to Charles in his future endeavors;

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

**Saturday, August 15, 2009
Charles Patrick Sadler II Day
in
Macomb Township**

FOR THIS RESOLUTION: Supervisor Mark Grabow, Clerk Michael D. Koehs, Treasurer Marie Malburg, Trustees Dino F. Bucci Jr., Janet Dunn, Roger Krzeminski and Nancy Nevers.

Michael D. Koehs, Clerk

MOTION carried.

10. Request to Waive Township Fees for Construction of a Home for a Disabled Veteran.

This matter was tabled to the meeting of August 26, 2009 pending review by legal counsel.

11. Request to Adopt Resolution Authorizing Energy Efficiency and Conservation Block Grant Application.

Supervisor GRABOW reviewed this matter and stated his recommendation for adopting the resolution.

MOTION by DUNN seconded by MALBURG to adopt the following resolution:

**Resolution of Support from Macomb Township
Authorizing the Application for the Energy Efficiency
and Conservation Block Grant
under the provisions of the American Recovery and Reinvestment Act.**

WHEREAS, the Energy Efficiency and Conservation Block Grant under the provisions of the American Recovery and Reinvestment Act presents Macomb Township with a unique opportunity to improve the energy efficiency of the community, reduce its greenhouse gas emissions and create or maintain jobs in difficult economic times; and

WHEREAS, Macomb Township strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the EECBG funding, if approved by the U.S. Department of Energy will provide resources to Macomb Township to make progress on energy efficiency and sustainability;

NOW, THEREFORE, BE IT RESOLVED, that Macomb Township authorizes the submission of the aforementioned EECBG application; and,

BE IT FURTHER RESOLVED, that Daniel Fairless, Building Department Official, is authorized on behalf of Macomb Township to prepare and submit documents and serve as the contact between Macomb Township and the Department of Energy.

Yea: DUNN, MALBURG, BUCCI, KRZEMINSKI, NEVERS, KOEHS, GRABOW

Nay: NONE

MOTION carried.

11a. Request to Approve Waste Management Fuel Surcharge Data.

Supervisor GRABOW reviewed this matter and indicated that the fuel surcharge will go down slightly. He further stated his recommendation for approval.

MOTION by DUNN seconded by BUCCI to approve the revision to the Waste Management Fuel Surcharge Data.

MOTION carried.

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- 11b. Request to Approve Fire & Security system in the Senior Center.

Supervisor GRABOW reviewed this matter and stated that these items are required before the Senior's Meal Program can be implemented in the facility. He further stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by DUNN to approve the installation of the new Stove Hood suppression system.

MOTION carried.

MOTION by KRZEMINSKI seconded by DUNN to approve the installation of the Alarm System monitoring Panel.

MOTION carried.

- 11c. Discussion Regarding the Assessor Position.

Trustee DUNN reviewed this matter and stated that several items needed to be addressed to conclude these various matters within the Assessing Department.

MOTION by DUNN seconded by NEVERS to authorize Human Resources to recommend a Level Four Assessor to sign the tax roll for up to twenty four (24) months.

MOTION carried.

MOTION by DUNN seconded by NEVERS to approve the job description for the classification of Assessor/Department Head with the proposed changes.

MOTION carried.

MOTION by DUNN seconded by NEVERS to approve the job description for the classification of Deputy Assessor with the proposed changes.

MOTION carried.

MOTION by DUNN seconded by BUCCI to grant Phyllis Sharbo a period of twenty four (24) months to achieve her certification of Level Four Assessor with satisfactory quarterly progress reports or be demoted to a Senior Appraiser.

MOTION carried.

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- 11d. Authorization for Legal Counsel to Defend in the matter of Landa Development v Macomb Township.

Clerk KOEHS reviewed this matter and stated his recommendation for approval for legal counsel to defend this matter as there were no monetary damages being sought.

MOTION by KOEHS seconded by KRZEMINSKI to authorize legal counsel to defend Macomb Township in the matter of Landa Development v Macomb Township.

MOTION carried.

- 11e. Authorization for Legal Counsel to Defend in the matter of two Michigan Tax Tribunal cases; Northwood Commercial/Industrial v Macomb Township and Pulte Land Company, LLC v Macomb Township.

Clerk KOEHS reviewed this matter and stated his recommendation for approval for legal counsel to defend these matters as they are appeals to the Tax Tribunal.

MOTION by KOEHS seconded by KRZEMINSKI to authorize legal counsel to defend in the matter of two Michigan Tax Tribunal cases; Northwood Commercial/Industrial v Macomb Township and Pulte Land Company, LLC v Macomb Township.

MOTION carried.

PARKS AND RECREATION

12. Request Permission to Run the Fall 2009 Parks and Recreation Programs.

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

MOTION by DUNN seconded by BUCCI to grant permission to the Parks and Recreation Department to run the Fall 2009 REACH programs not to exceed thirty thousand dollars (\$30,000.00).

MOTION carried.

13. Request Permission to typeset, print and mail the 2009 Fall REACH Catalog.

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

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MOTION by DUNN seconded by KOEHS to grant permission to produce the 2009 Fall REACH Catalog as follows; Mith Creative Services to do the typesetting for nine hundred dollars (\$900.00); Litho Printing to print the catalog for six thousand one hundred sixty eight dollars and thirty cents (\$6,168.30); and to mail the catalogs for three thousand eight hundred seventy five dollars and four cents (\$3,875.04).

MOTION carried.

13a. Recreation Center Year End Report

Mr. Salvatore Dicaro, Parks and Recreation Director, reviewed this matter and stated that this is the fourth year in a row that the recreation Center has generated revenues in excess of the costs. Report was received and filed.

HUMAN RESOURCES

14. 2009 Influenza Program (Flu Shot) for Employees

Mr. John Brogowicz, Human Resources Director, reviewed this matter and stated his recommendation for approval. He indicated that the proposed cost may vary a little, depending on personnel participation.

MOTION by BUCCI seconded by MALBURG to approve the Annual Influenza Vaccination Program for township personnel for a cost of approximately one thousand nine hundred twenty dollars (\$1,920.00).

MOTION carried.

15. Request to Offer Voluntary Pre-Paid Legal Services Program to Employees.

Mr. John Brogowicz, Human Resources Director, reviewed this matter and stated his recommendation for approval of the program that will not result in any cost to the Township. The employees who elect to participate will pay their own fees.

MOTION by NEVERS seconded by DUNN to approve the Voluntary Pre-Paid Legal Services Program to Employees as presented.

MOTION carried.

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BUILDING DEPARTMENT

16. Request to Initiate the Condemnation Procedure; 18814 Burberry St.; Parcel # 08-09-351-005.

Mr. Daniel Fairless, Building Official, reviewed this matter and stated his recommendation for approval.

MOTION by KOEHS seconded by BUCCI to approve the request to initiate the Condemnation Procedure for the property located at 18814 Burberry St., Parcel # 08-09-351-005.

MOTION carried.

17. Request to Initiate the Condemnation Procedure; 18952 Macomb St.; Parcel # 08-09-351-118.

Mr. Daniel Fairless, Building Official, reviewed this matter and stated his recommendation for approval.

MOTION by KOEHS seconded by BUCCI to approve the request to initiate the Condemnation Procedure for the property located at 18952 Macomb St.; Parcel # 08-09-351-118.

MOTION carried.

- 17a. Request for Training; Plumbing and Mechanical Inspector.

Mr. Daniel Fairless, Building Official, reviewed this matter and stated his recommendation for approval.

MOTION by KOEHS seconded by MALBURG to approve the request for Training for the Plumbing and Mechanical Inspector for a cost of three hundred ninety five dollars (\$395.00), plus mileage.

MOTION carried.

FIRE DEPARTMENT

18. Recommendation to Terminate Probationary Fire Fighter. (*Resignation letter received, this matter was removed from the agenda*)

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19. Request to Sell Used Self Contained Breathing Apparatus.

Chief Robert Phillips, reviewed this matter and stated his recommendation to offer the apparatus for sale and allow thirty (30) days for bids to be received and retaining the right to refuse any or all bids.

MOTION by BUCCI seconded by KRZEMINSKI to approve the request to sell the used Self Contained Breathing Apparatus and allow thirty (30) days for bids to be received and retaining the right to refuse any or all bids.

MOTION carried.

20. Request to Train at Selfridge A.N.G. Base.

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

MOTION by KOEHS seconded by MALBURG to approve the request to train with various county departments at Selfridge A.N.G. Base for a period from August 17, 2009 through September 28, 2009.

MOTION carried.

WATER AND SEWER DEPARTMENT

21. Engineers Payment Certificate No. 2 – Final: Emergency Repair of Manhole No. 2 Chateau Macomb, SDA Job No. MA08-012

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

MOTION by KRZEMINSKI seconded by MALBURG to approve the Final Engineers Payment Certificate No. 2 for the Emergency Repair of Manhole No. 2 at Chateau Macomb, SDA Job No. MA08-012 to Ric-Man Construction, Inc. in the amount of nineteen thousand five hundred dollars, (\$19,500.00).

MOTION carried.

22. Purchase Order - SLC Meter Service.

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

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MOTION by KRZEMINSKI seconded by MALBURG to approve the Purchase Order for SLC Meter Service in the amount of one thousand five hundred forty five dollars twenty cents (\$1,545.20).

MOTION carried.

BOARD COMMENTS

23. Supervisor Comments: Supervisor Grabow stated that apart from his retaining Mr. John Johnson as his election manager, he does not have any other relationship with him. He then described an evening that he had spent riding along with the Sheriff Department officers. He commented on the damage done to the unpaved portion of 24 Mile Road during the last storm and stated that he opposes the recall efforts recently initiated against various township Board members.
24. Clerk Comments: Clerk Koehs thanked the various citizens for their comments and support.
25. Treasurer Comments: None
26. Trustees Comments: Trustee NEVERS provided the public with a time line summary of the Brentwood Limo litigation. Trustee KRZEMINSKI addressed several issues that had been brought up during public comments and thanked those citizens for their support.

EXECUTIVE SESSION

MOTION by BUCCI seconded by KRZEMINSKI to adjourn to Executive Session at 9:19 p.m.

MOTION carried.

27. TTCH, Inc. v. Macomb Township

MOTION by KOEHS seconded by BUCCI to authorize legal counsel to continue negotiations.

MOTION carried.

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ADJOURNMENT

MOTION by BUCCI seconded by KOEHS to adjourn the Board of Trustees meeting at 9:55 p.m.

MOTION carried.

Respectfully submitted,

Mark H. Grabow
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk