

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JANUARY 13, 2010

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 5B2, 22A and 22B were added.

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 DUNN 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 22, 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 December 22, 2009 as presented.

MOTION carried.

5. **Consent Agenda Items:**

A. Clerk's Department:

1. Site Plan Bond Release; Partridge Temporary Substation; Section 32; Detroit Edison, Petitioner.
2. Site Plan Bond Release; New Cingular Wireless Co-location; Section 16; B & M Tower Technologies, Inc., Petitioner.
3. Entrance Ground Sign Bond Release; Parkview Commons East and West; Section 23; Parkview Commons Subdivision, Petitioner.
4. Site Plan Bond Release for Technical Change; Boulder Industrial Park Unit 1 and 2; Section 36; Trinity Territory, Petitioner.
5. Site Plan Bond Release; Tim Horton/Wendy's; Section 35; Wendy's International, Petitioner.
6. Entrance Ground Sign Bond Release; Buckingham Village No. 1; Section 21; Buckingham Village Subdivision No. 1, Petitioner.

B. Human Resources

1. Request for Personal Leave of Absence.
2. Request for Medical Leave of Absence.

C. Fire Dept.

1. Request to Renew Maintenance Agreement for Recording System.
2. Request to Renew Extrication Software License.

D. Department Monthly Reports:

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

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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 amended.

MOTION carried.

6. **Public Comments, Agenda Items Only.**

None

PLANNING

7. **Rezoning Request, Section 23; From C-3 to C-2 (B.P. Gas Station)-Permanent Parcel No. 08-23-226-003; Located on the Southwest corner of 23 Mile Road and North Avenue. North Enterprises LLC Petitioner.**

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated that the Planning Commission was recommending approval and he further stated his recommendation for approval.

MOTION by BUCCI seconded by KRZEMINSKI to approve the rezoning request for Permanent Parcel No. 08-23-226-003, Section 23; the B.P. Gas Station located on the Southwest corner of 23 Mile Road and North Avenue from Commercial, Shopping Center (C-3) to Commercial, General (C-2) for the following reasons:

1. **The proposed rezoning is consistent with the goals of the Master Plan.**
2. **The proposed rezoning is consistent with the development of the surrounding properties.**

MOTION carried.

8. **Extension of Time; Manthey Farms; Permanent Parcel No. 08-30-200-032; Chippewa Valley Schools Petitioner. Located on the West side of Garfield Road, ½ mile north of 21 Mile Road.**

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

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

MOTION by DUNN seconded by MALBURG to approve the request for an extension of time for the Manthey Farms Subdivision; Permanent Parcel No. 08-30-200-032; located on the West side of Garfield Road ½ mile north of 21 Mile Road for a period of one year, to January 14, 2011.

MOTION carried.

NEW BUSINESS

9. Request to Approve Purchasing Policy. *(Tabled from December 22, 2009)*

Clerk KOEHS reviewed this matter and stated the Board has been considering this policy for over a month and that all of the questions raised have been answered. He further stated his recommendation for adoption.

MOTION by NEVERS seconded by BUCCI to adopt the Purchasing Policy as revised on December 9, 2009.

MOTION carried.

10. Request to Designate Purchasing Agent. *(Tabled from December 22, 2009)*

Clerk KOEHS reviewed this matter and stated his recommendation to continue the current practice and designate Supervisor GRABOW as the Purchasing Agent designee for the Board of Trustees.

MOTION by KOEHS seconded by KRZEMINSKI to resolve to designate Supervisor GRABOW as the Purchasing Agent on behalf of the Board of Trustees.

MOTION carried, resolution declared adopted.

11. Request to Approve Investment Policy. *(Tabled from December 22, 2009)*

Clerk KOEHS reviewed this matter and stated that both the Treasurer's Office and the Finance Department assisted in the creation of this policy and that all questions raised by Department Heads have been answered. He further stated his recommendation for adoption of this policy.

MOTION by KRZEMINSKI seconded by DUNN to adopt the Investment Policy as revised on December 8, 2009.

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MOTION carried.

12. Request to Transfer a Class C Liquor License; Waldenburg Bar on Romeo Plank Road at 22 Mile Road; Permanent Parcel No. 08-28-101-002.

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

MOTION by MALBURG seconded by BUCCI to approve the Request to Transfer a Class C Liquor License; Waldenburg Bar on Romeo Plank Road at 22 Mile Road; Permanent Parcel No. 08-28-101-002.

MOTION carried.

13. Michigan Association of Fire Fighters Grievance 09-003.

Supervisor GRABOW reviewed this matter and asked if the representative from the Fire Fighters Union would like to make any comments.

As no representative for the Union was present, the Board proceeded without further discussion.

MOTION by KOEHS seconded by BUCCI to reaffirm the original decision of the Board and deny this request to resolve Grievance # 09-003 at this step.

MOTION carried.

Captain David Myny informed the Board of Trustees that the Union Representative was on his way and should be arriving soon. The Board decided to continue on with the agenda and revisit the two grievance issues when the Union Representative arrived.

MOTION by KOEHS seconded by BUCCI to reconsider the previous motion regarding Grievance # 09-003.

MOTION carried.

Mr. Ronald Palmquist, representing the Firefighters Union, was present and presented their view on the issues and requested the Board to rescind the discipline of the fire fighter in question.

MOTION by KRZEMINSKI seconded by BUCCI to reaffirm the original decision of the Board and deny the request to resolve Grievance # 09-003 at this step.

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MOTION carried.

14. Michigan Association of Fire Fighters Grievance 09-004.

Supervisor GRABOW reviewed this matter and asked if the representative from the Fire Fighters Union would like to make any comments.

Mr. Ronald Palmquist, representing the Firefighters Union, was present and presented their view on the issues and requested the Board to rescind the discipline of the fire fighter in question.

MOTION by KRZEMINSKI seconded by BUCCI to reaffirm the original decision of the Board and deny the request to resolve Grievance # 09-004 at this step.

MOTION carried.

15. Request for Reinstatement as a Paid on Call Fire Fighter.

Supervisor GRABOW reviewed this matter regarding a request from Captain David Myny, requesting to be reinstated as a Paid on Call Fire Captain.

Captain David Myny, the petitioner, was present and explained the reasoning for his request for reinstatement.

Township Legal Counsel, Lawrence Dloski, reminded the Board that there is currently no mechanism or precedence for granting this request.

MOTION by DUNN to approve the request for reinstatement.

MOTION failed for lack of support.

MOTION by BUCCI seconded by KRZEMINSKI to deny the request for reinstatement of David Myny as a Paid on Call Fire Captain.

MOTION carried.

16. Request to Update the Bresser Cross-Reference Directories.

Supervisor GRABOW reviewed this matter and stated that this is an administrative matter and further stated his recommendation for approval.

MOTION by BUCCI seconded by KRZEMINSKI to approve the request and authorize the purchase of six (6) new Bresser Cross-Reference Directories for a total cost of one thousand six hundred sixty eight dollars (\$1,668.00).

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MOTION carried.

ASSESSING DEPARTMENT

17. Request to Purchase 'Notice of Assessment' Forms.

Ms. Phyllis Sharbo, Township Assessor, reviewed this matter and stated her recommendation to award this purchase to the lowest bidder, Litho Printing Services, Inc., in the amount of one thousand nine hundred thirty dollars (\$1,930.00).

Ms. Sharbo also requested authorization to spend up to thirteen thousand dollars (\$13,000.00) for postage to mail these notices out to the residents.

MOTION by BUCCI seconded by DUNN to award this purchase to the lowest bidder, Litho Printing Services, Inc., in the amount of one thousand nine hundred thirty dollars (\$1,930.00).

MOTION carried.

MOTION by DUNN seconded by KOEHS to authorize the Assessor to spend up to thirteen thousand dollars (\$13,000.00) for postage to mail out the 'Notice of Assessment' forms to the residents.

MOTION carried.

FIRE DEPARTMENT

18. Request to Purchase Video Conferencing Equipment.

Chief Robert Phillips, reviewed this matter and informed the Board of the grant money that was paying for eighty percent (80%) of this project. The Township's share of this will be a total of five thousand five hundred eighty five dollars and sixty cents (\$5,585.60). He further stated his recommendation for approval.

MOTION by KREZMINSKI seconded by DUNN to approve the purchase of the Video Conferencing Equipment for a total cost to the Township of five thousand five hundred eighty five dollars and sixty cents (\$5,585.60).

MOTION carried.

HUMAN RESOURCES

19. Request to Purchase Computer Equipment.

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Mr. John Brogowicz, Human Resources Director, reviewed this matter. The total cost for this request is one thousand two hundred eighty five dollars and forty two cents (\$1,285.42) from Tech Depot, an Office Depot Company under the U.S. Communities Purchasing Program. He further stated his recommendation for approval.

MOTION by KOEHS seconded by NEVERS to approve the purchase of the computer equipment for one thousand two hundred eighty five dollars and forty two cents (\$1,285.42) from Tech Depot, an Office Depot Company under the U.S. Communities Purchasing Program.

MOTION carried.

WATER AND SEWER DEPARTMENT

20. Purchase Requisition Request: SLC Meter Service Inc.

Mr. Gerry Wangelin, Water & Sewer Superintendent, reviewed this matter and indicated that these items were to replace necessary inventory. He further stated his recommendation for approval.

MOTION by DUNN seconded by MALBURG to approve the purchase requisition from SLC Meter Service Inc. in the amount of twenty thousand six hundred eighty dollars and four cents (\$20,680.04).

MOTION carried.

21. Request for Training: Michigan Section, AWWA.

Mr. Gerry Wangelin, Water & Sewer Superintendent, reviewed this matter and stated he would like to send eight employees to this training at sixty five dollars (\$65.00) per employee.

MOTION by KRZEMINSKI seconded by MALBURG to approve the request for training to send eight employees to the AWWA Operator's Day / Joint Exposition for a cost of five hundred twenty dollars (\$520.00).

MOTION carried.

22. Engineer's Payment Certificate No. 1: New Haven Water Main SDA No. MA07-019.

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

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MOTION by BUCCI seconded by KOEHS to approve the Engineer's Payment Certificate No. 1: New Haven Water Main SDA No. MA07-019 in the amount of three hundred fifty five thousand six hundred thirty six dollars and one cent (\$355,636.01).

MOTION carried.

22A. Request to Purchase Employee Winter Clothing.

Mr. Gerry Wangelin, Water & Sewer Superintendent, reviewed this matter and stated his recommendation for approval to purchase winter work clothing for the Water and Sewer Employees, per their contract, from Contractor's Clothing Company in the amount of one thousand five hundred thirty two dollars (\$1,532.00).

MOTION by DUNN seconded by NEVERS to approve the purchase of winter work clothing for the Water and Sewer Employees, per their contract, from Contractor's Clothing Company in the amount of one thousand five hundred thirty two dollars (\$1,532.00).

MOTION carried.

22B. Request to Repair Water Heater.

Mr. Gerry Wangelin, Water & Sewer Superintendent, explained that the one hundred gallon water heater in their main building broke and needs immediate replacement. He provided quotes from four sources and recommends that the job be awarded to A.F Vohs in the amount of five thousand one hundred dollars (\$5,100).

MOTION by KRZEMINSKI seconded by KOEHS to approve the water heater replacement be awarded to A.F Vohs in the amount of five thousand one hundred dollars (\$5,100).

MOTION carried.

Public Comments, Non-Agenda Items Only - (3 minute time limit)

William Franchy and Brian Winston made comments regarding the continuing status of the Brentwood Limousine matter.

Ms. Terry Campion spoke on behalf of the U.S. Census Bureau regarding the upcoming April 1, 2010 census.

BOARD COMMENTS

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23. Supervisor Comments

Supervisor GRABOW asked the Board to approve setting the Public Hearing date for the Community Development Block Grant awards to February 10, 2010 at 7:00 p.m.

24. Clerk Comments

Clerk KOEHS informed the Board that the sidewalk survey has been completed.

25. Treasurer Comments

None

26. Trustees Comments

Trustee BUCCI inquired about contacting the Road Commission regarding installing guard rails along 25 Mile Road by the Township Park.

MOTION by KRZEMINSKI seconded by BUCCI to authorize legal counsel to seek immediate enforcement of the Brentwood Limousine consent judgment and recover any legal costs.

MOTION carried.

MOTION by BUCCI seconded by MALBURG to adjourn to Executive Session at 8:22 p.m.

MOTION carried.

The Board returned from Executive Session at 8:43 p.m.

EXECUTIVE SESSION

27. Macomb Township vs. GTR Builders.

MOTION by KOEHS seconded by KRZEMINSKI to return the two landscape bonds to the issuer.

MOTION carried.

28. Macomb Township vs. Premacon.

MOTION by KOEHS seconded by DUNN to authorize legal counsel to dismiss this litigation.

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MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by NEVERS to adjourn the Board meeting at 8:46 p.m.

MOTION carried.

Respectfully submitted,

Mark H. Grabow
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk