

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, APRIL 14, 2010

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: MARK H. GRABOW, SUPERVISOR
MICHAEL D. KOEHS, CLERK
KAREN GOODHUE, DEPUTY TREASURER
DINO F. BUCCI, JR, TRUSTEE
JANET DUNN, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: MARIE MALBURG, TREASURER

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 Treasurer MALBURG was absent. The remainder of the Board of Trustees was present.

MOTION by KRZEMINSKI seconded by BUCCI to refrain from calling Treasurer MALBURG's name for any roll call vote this evening.

MOTION carried

APPROVAL OF THE AGENDA

2. The agenda was reviewed and items 5A10, 6B, 6C, 14A, 19A and 29 were added.

MOTION by DUNN seconded by NEVERS 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 KOEHS to approve both bill runs as presented.

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MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on March 24, 2010 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by DUNN seconded by KRZEMINSKI to approve the minutes of the meeting of March 24, 2010 as presented.


MOTION carried.

5.  **Consent Agenda Items:**






A. Clerk's Department:

1. Site Plan Bond Release; Beaumont Hospital ACC/POB; Section 31; Roncelli Inc., Petitioner.
2. Landscape Bond Release; Emerald Green Subdivision; Section 5; Emerald Green Limited, Petitioner.
3. Landscape Bond Release; Stoneridge Subdivision; Section 22; Stoneridge Partners, LLC.
4. Site Development Bond Release; Lone Oak Subdivision; Section 22; Polaris Enterprises, Petitioner.
5. Site Development Bond; Highland Hills Condominiums; Section 20; Highland Hills Development, LLC, Petitioner.
6. Landscape Bond Release; Evergreen Estates Subdivision; Section 16; T & G Development, LLC – Petitioner.
7. Sanitary Sewer Bond Release; Card Road Sanitary Project; Section 27; Cornerstone Village Associates, Petitioner.
8. Sanitary Sewer Bond Release; Card Road Sanitary Project; Section 27; Carleton Place LLC, Petitioner.
9. Sanitary Sewer Bond Release; Card Road Sanitary Project; Section 27; Oakview, Petitioner.
10. Request for a Leave of Absence; Fire Department.

B. Water/Sewer Dept.

1.  Easement Encroachment: 18068 Teresa Dr., Macomb, MI, 48044

C. 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 BUCCI seconded by KRZEMINSKI to approve the Consent Agenda as presented.

MOTION carried.

6. **Public Comments, Agenda Items Only – None**


6B. Macomb Township Community Foundation Report – Veterans Memorial Project.

Mr. Mark Hurst, President of the Macomb Township Community Foundation, made a presentation about the functions of the Foundation and the current status of the Veterans and First Responders Memorial. He indicated that this was their largest undertaking so far and he encouraged all citizens to support the project.

6C. Henry Ford Health Systems Presentation

Mr. William Bowser, Director of Business Health for the Henry Ford Health Systems, made a presentation demonstrating the services that they can provide to Macomb Township.


PLANNING

7.  Extension of Time for Harmony Acres Subdivision; Permanent Parcel No. 08-16-200-014; Joseph VanHaverback, Petitioner. Located on South side of 24 Mile Rd, ¾ mile east of Romeo Plank.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval provided that the lot dimensions are brought into compliance with the ordinances.

MOTION by KRZEMINSKI seconded by BUCCI to approve the extension of time request for Harmony Acres Subdivision; Permanent Parcel No. 08-16-200-014; located on South side of 24 Mile Rd, ¾ mile east of Romeo Plank, provided the lot dimensions are brought into compliance with the ordinances for a period of one (1) year, to expire on May 15, 2011.

MOTION carried.

8.  Extension of Time, Final Preliminary Plat for Pinnacle Farms Subdivision; Permanent Parcel No. 08-24-276-003; Landtec of Macomb LLC Petitioner. Located approximately ½ mile south of 23 Mile Road and ¾ of a mile east of North Avenue.

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Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval provided that the lot dimensions are brought into compliance with the ordinances.

MOTION by DUNN seconded by NEVERS to approve the extension of time request for the Final Preliminary Plat of Pinnacle Farms Subdivision; Permanent Parcel No. 08-24-276-003; located approximately ½ mile south of 23 Mile Road and ¾ of a mile east of North Avenue, provided the lot dimensions are brought into compliance with the ordinances for a period of one (1) year, to expire on May 15, 2011.

MOTION carried.

9. Request for a Model Permit; Gloede Park Estates, Lots 1, 4, 5 & 6; Lombardo Homes Development.

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

Mr. Greg Windingland, Lombardo Homes, representing the petitioner, was present to answer any questions the Board might have.

MOTION by BUCCI seconded by KRZEMINSKI to approve the request for Model Permits in Gloede Park Estates for Lots 1, 4, 5 & 6 contingent on the appropriate bond(s) being posted.

MOTION carried.

NEW BUSINESS

10. Request to Approve the 2010 Dust Control Contracts.

Supervisor GRABOW reviewed this matter and stated his recommendation for approval of the agreements with the Road Commission of Macomb County and with Road Maintenance Corporation.

MOTION by KOEHS seconded by DUNN to approve the agreement for dust control with the Road Commission of Macomb County for three applications for a cost to Macomb Township of three thousand four hundred fifty nine dollars and ten cents (\$3,459.10); and with Road Maintenance Corporation for three (3) additional applications for a cost to Macomb Township of three thousand one hundred ninety five dollars and thirty six cents (\$3,195.36).

MOTION carried.

11. Request Authorization for Legal Counsel to Initiate the Sale of Property.

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Mr. Lawrence Dloski, Township Attorney, reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by DUNN to approve the request for authorization for legal counsel to initiate the sale of the Township Property in the Huntcliff Village Condominiums.

MOTION carried.

12.  Request to Approve the METRO Act Right-of-Way Extension; AT&T Michigan.

Mr. Lawrence Dloski, Township Attorney, reviewed this matter and stated that this is a renewal of an existing agreement and he recommended that the approval be given contingent upon AT&T providing the Township with a map showing the location of the telecommunication facilities and with AT&T posting a performance bond in the amount of fifty thousand dollars (\$50,000.00).

MOTION by KOEHS seconded by DUNN to approve the extension of the METRO Act Right-of Way agreement for a period of two (2) years to expire on May 31, 2012, contingent upon AT&T providing the Township with a map showing the location of the telecommunication facilities and that AT&T post a performance bond in the amount of fifty thousand dollars (\$50,000.00) with the Township.

MOTION carried.

13.  Request to Recognize the Macomb Mustangs Youth Football Club.

Clerk KOEHS reviewed this matter and stated that the Macomb Mustangs are a known non-profit organization providing organized football to the youth in our township, and he further stated his recommendation for approval for the recognition.

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

Be it resolved that the Macomb Township Board of Trustees hereby recognizes the Macomb Mustangs Youth Football Club as a non-profit organization operating in the community for the purpose of obtaining charitable gaming licenses.

**AYES: KRZEMINSKI, NEVERS, DUNN, BUCCI, KOEHS, GRABOW
NAYS: NONE
ABSENT: MALBURG**

MOTION carried.

14.  Request to Approve Transfer of a Class C Liquor License; 46712 Hayes Road.

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Clerk KOEHS reviewed this matter and stated that even though there are issues relating to the Special Land Use restrictions on the property, these matters do not impact the ability of the petitioner to request this transfer. He further stated his recommendation for approval.

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

**ID # 533293
Resolution**

At a regular meeting of the Macomb Township Board of Trustees called to order by Supervisor Mark H. Grabow on April 14, 2010 at 7:00 p.m.

The following resolution was offered:

Motion by Trustee KRZEMINSKI and seconded by Trustee BUCCI that the request to approve the transfer ownership of Escrowed 2009 Class C Licensed Business, located at 25100 Kelley, Roseville, MI 48066, Macomb County from L-Bow Room-Kelly, Inc. to 46712 Hayes, Macomb, MI 48044, Macomb Township, Macomb County be considered for approval.

**YEAS: KRZEMINSKI, BUCCI, NEVERS, DUNN, KOEHS, GRABOW
NAYS: NONE
ABSENT: MALBURG**

MOTION carried, resolution declared adopted.

- 14A. Request to Authorize Legal Counsel to Defend the Township on all Appeals to the Michigan Tax Tribunal.

Supervisor GRABOW reviewed this matter and stated that this is essentially an administrative issue as the Township must defend itself in all of these Tax Tribunal matters.

MOTION by DUNN seconded by BUCCI to authorize legal counsel to defend the Township in all 2010 appeals to the Michigan Tax Tribunal.

MOTION carried.

PARKS AND RECREATION

15.  Request to Run the Spring/Summer 2010 Programs.

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 approve the request to run the Spring/Summer 2010 Programs for the Parks and Recreation Department for an amount not to exceed fifty thousand dollars (\$50,000.00).


MOTION carried.

16.  Request to Mail 2010 Spring/Summer R.E.A.C.H. Catalog.

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

MOTION by NEVERS seconded by DUNN to approve the request to mail the R.E.A.C.H. catalogs for a cost of three thousand eight hundred sixty two dollars and fifty four cents (\$3,862.54).

MOTION carried.


17.  Request to Approve the Concession Stand Agreement at Macomb Corners Park.

Mr. Salvatore DiCaro, Parks and Recreation Director, reviewed this matter and stated his recommendation to award the concession agreement for 2010 to Roseville Ice Cream, LTD for the rate of seven hundred dollars (\$700.00) per month.

MOTION by BUCCI seconded by KRZEMINSKI to approve the Concession Stand Agreement at Macomb Corners Park and to award the concession agreement for 2010 to Roseville Ice Cream, LTD for the rate of seven hundred dollars (\$700.00) per month.

MOTION carried.

HUMAN RESOURCES

18.  Request Authorization for Promotion in Assessing.

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

MOTION by KRZEMINSKI seconded by DUNN to approve the promotion of Kimberly Patterson to Appraiser Aide effective April 19, 2010.

MOTION carried.

19.  Request Authorization to Initiate Recruitment Process for an Appraiser(s).

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

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MOTION by DUNN seconded by NEVERS to authorize the Human Resources Department to initiate the recruitment process for two (2) appraisers.

MOTION carried.

- 19A. Request Authorization to Extend an Offer of Employment.

Mr. John Brogowicz, Human Resources Director, reviewed this matter and stated that the review committee is recommending that the Board of Trustees extend an offer of employment to Mr. Adam Munro as a full-time Fire Sergeant.


MOTION by KRZEMINSKI seconded by KOEHS to extend an offer of employment to Mr. Adam Munro as a full-time Fire Sergeant contingent upon his successful completion of a post offer psychological evaluation, agility test, physical examination, drug and alcohol screening and a background check.

MOTION carried.

FIRE DEPARTMENT

20.  Request to Initiate Recruitment Process for a Full Time Fire Captain.

(This matter was tabled indefinitely.)

21.  Request to Promote Five (5) Firefighters.

Chief Robert Phillips, reviewed this matter and stated his recommendation to promote the following Probationary Firefighters to Firefighter:

William Cunningham, Charles Friese, Vince Pozzuoli, Frank Ventimiglia and Kyle Yonkowski.

MOTION by BUCCI seconded by KOEHS to approve the promotion of the following probationary firefighters to Firefighter: William Cunningham, Charles Friese, Vince Pozzuoli, Frank Ventimiglia and Kyle Yonkowski.

MOTION carried.

BOARD COMMENTS

22. Supervisor Comments:

Supervisor GRABOW thanked each of the township's departments and their employees for the great jobs that they do each and every day.

- a.  **Request to allocate Surplus Community Development Block Grant Funds.**

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Supervisor GRABOW reviewed this matter and stated his recommendation to allocate the twenty eight thousand three hundred seventy seven dollars (\$28,377.00) to the Senior Center project.

MOTION by KOEHS seconded by DUNN to approve the allocation of twenty eight thousand three hundred seventy seven dollars (\$28,377.00) of surplus Community Development Block Grant funds to the Senior Center project.

MOTION carried.

23. Clerk Comments:

Clerk KOEHS reminded the Board members of the Capital Legislative Conference scheduled for April 21, 2010 in Lansing. He also asked for each Board member to advise him of the best dates to set up a 2010/2011 Budget Hearing workshop. He answered a question raised regarding the Brentwood Limousine litigation.

a.  **Request to establish formal Board Contact person for the TTCH vs Macomb Township litigation.**

Clerk KOEHS reviewed this matter and stated that the attorney is asking for clarification in regards to who is the Board's point of contact for this litigation matter. He reminded the Board that they had informally appointed the Clerk as the contact for this case, but asked for a more formal direction.

MOTION by BUCCI seconded by KRZEMINSKI to authorize Clerk KOEHS to be the liaison with legal counsel in the matter of TTCH vs. Macomb Township.

MOTION carried.

24. Treasurer Comments: None

25. Trustees Comments: None

MOTION by BUCCI seconded by NEVERS to adjourn to Executive Session at 8:24 p.m.

MOTION carried.

The Board returned from Executive Session at 9:52 p.m.

EXECUTIVE SESSION

26. Court of Appeals 07-0841-CZ; Attorney/Client Privileged Information.

(This matter was tabled indefinitely.)

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27. R&S Aspen Land, LLC v Township of Macomb et al; Macomb County Circuit Court Case No. 09-3779-AA.

MOTION by KOEHS seconded by DUNN to authorize the Supervisor and Legal Counsel to execute the revised consent judgment.

MOTION carried.

28. Firefighter Investigation (*Tabled from the meeting of March 24, 2010*)

MOTION by BUCCI seconded by KRZEMINSKI to terminate the employment of Sergeant Gregory Wiegand based on the investigation and resulting charges.

MOTION carried.

29. Beaumont CJ

MOTION by KOEHS seconded by DUNN to authorize the Supervisor and Legal Counsel to execute the amended consent judgment.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by KRZEMINSKI to adjourn the Board of Trustees meeting at 9:54 p.m.

MOTION carried.

Respectfully submitted,

Mark H. Grabow
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk