

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 13, 2016

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

PRESENT: JANET DUNN, SUPERVISOR
EDWARD A. CAREY, JR, CLERK
KAREN GOODHUE, TREASURER
DINO F. BUCCI, JR, TRUSTEE
CLIFFORD W. FREITAS, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Scott, Legal Counsel
Patrick Meagher, Planning Consultant
James VanTiflin, Township Engineer
(Additional attendance on file at the Clerk's Office)

Supervisor DUNN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk Carey called the roll and the Board of Trustees was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and the following items were added to the agenda: (12a) Dakota High School Liaison Officer, (12b) Kroger Special Events Permit, (13a) Emergency repair of 2009 GMC truck, (13b) Life Saving Award and (24) Request to approve amended easement language for parcel no. 08-33-226-012.

MOTION by Bucci seconded by Freitas to approve the agenda as amended with the following being added to the agenda (12a) Dakota High School Liaison Officer, (12b) Kroger Special Events Permit, (13a) Emergency repair of 2009 GMC truck, (13b) Life Saving Award and (24) Request to approve amended easement language for parcel no. 08-33-226-012.

MOTION carried.

APPROVAL OF THE BILLS

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 13, 2016

MOTION by Nancy Nevers seconded by Karen Goodhue to approve both bill runs in the amounts of \$210,859.32 and \$2,146,619.23 respectively.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on June 22, 2016 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by Goodhue seconded by Freitas to approve the minutes of the meeting of June 22, 2016 as presented.

MOTION carried.

5. **Consent Agenda Items:**

A. Building Department

1. Indemnity & Hold Harmless Agreement 15725 Custer Dr., Bayberry Place Sub. No. 2 Lot 101 (Parcel ID # 08-07-332-007)

B. Planning Section

1. Partial Site Development Bond Release Riviera Ridge Phase I (East side of Card Road, North of 22 Mile Road, Section 23)
2. Partial Site Development Bond Release Clearstone Subdivision No. 2 (Southwest corner of 26 Mile & Luchtman Roads, Section 5)
3. Site Development Bond Release River Pointe Site Condominiums

C. Human Resources Department

1. Request for Personal Leave of Absence from the Fire Department Employee No. 1035
2. Request for Military Leave of Absence from the Fire Department Employee No. 1113
3. Request for Personal Leave of Absence from the Fire Department Employee No. 1948

D. Engineering Department

1. Request to approve easement agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-33-226-002
2. Request to approve easement agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-33-226-003
3. Request to approve easement agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-33-226-023
4. Request to approve easement agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-33-226-025
5. Request to approve easement agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-33-226-034

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 13, 2016

6. Request to approve easement agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-33-101-015
7. Request to approve easement agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-33-200-005
8. Request to approve easement agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-33-200-006

E. Water & Sewer Department

1. Easement Encroachment Agreement: Breton Woods Condominium, Unit #43 Parcel No. 08-06-351-043
2. Request authorization to Pay Metcom, Inc., for a Pressure Sealer Mailer Service Agreement (1 part 2 way – Item Water Bill Stock)
3. Request authorization to pay Michigan Meter Technology Group for meters and customer installation parts
4. Request authorization for pay SLC Meter Service Inc., for stop boxes
5. Request authorization to pay Zachary Stegner and Danielle Acton for an easement 26 Mile Road & Hayes Road. Watermain project Special Assessment District, Parcel No. 08-06-100-016

F. Fire Department

1. Request to approve full-time firefighter job description
2. Request to approve part-time dispatcher job description

Supervisor DUNN 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 Nevers to approve the Consent Agenda.

MOTION carried.

6. Public Comments, Agenda Items Only

There were none.

NEW BUSINESS

Item 8 was addressed prior to Item 7 due to the fact that the representative from MEDSTAR was not available at the time his item was to be presented on the agenda.

8. Freedom of Information Act Appeal 2016-97

Township Legal Counsel, Mr. Esordi, addressed the matter to the Township Board and informed them that the appeal was by Mr. Joseph Zangara. The attorney indicated that Mr. Zangara had requested the W-2's for paid on call firefighters. The Township provided those but with certain information redacted such as social security numbers, tax identification numbers, addresses and wages. The attorney

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 13, 2016

stated that while the Township redacted information from his request for W-2's for paid on call firefighters he does not feel that what was supplied was necessarily a denial of the applicant's request. Mr. Esordi felt that this was the means by which the applicant could seek to have the information he wanted given to him. The applicant did not return calls to the attorney and indicated to the Freedom of Information Officer Coordinator that he would not be speaking to Mr. Esordi.

MOTION by Bucci seconded by Krzeminski to accept the recommendation of the Township Attorney and deny Freedom of Information Act Appeal 2016-97.

MOTION carried.

7. Presentation by MEDSTAR for Contract Renewal

Mr. Kolby Miller presented the MEDSTAR contract to the residents and the Township Board. He indicated that their survey satisfaction numbers were some of the highest in the country and that they are continually working to improve the service they provide.

MOTION by Krzeminski seconded by Nevers to approve the contract renewal for MEDSTAR. The contract shall be for 5 years commencing from 1/1/16. The annual fees for the contract shall be \$60,000 in 2016, \$48,000 in 2017, \$36,000 in 2018, \$24,000 in 2019, \$12,000 in 2020 and \$0 in 2021 and future years.

MOTION carried.

RECORDS SECTION

9. Request to schedule a public hearing for an Industrial Facilities Tax Exemption for Majestic Industries LLC located at 15378 Hallmark Dr. (Parcel ID # 08-18-300-029)

MOTION by Krzeminski seconded by Goodhue to approve the public hearing date of 7/27/16 for an Industrial Facilities Exemption for Majestic Industries LLC located at 15378 Hallmark Dr. (Parcel ID # 08-18-300-029).

10. Request for Authorization to execute Laserfiche Value Added Reseller of Record Acknowledgement

Mr. Charles Pierce, Records Manager for the Township, indicated that MCCI, a subsidiary of MuniCode acquired the Laserfiche customers of DSS. In order for MCCI to continue and provide support and honor the license agreement executed with DSS, the Township must execute the new Value Added Reseller (VAR) of Record Acknowledgement.

MOTION by Bucci seconded by Freitas to authorize the Records Manager to execute the VAR of Record Acknowledgement with MCCI.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 13, 2016

MOTION carried.

SUPERVISOR DEPARTMENT

11. Appointment to Building Authority

MOTION by Krzeminski seconded by Goodhue to appoint the Deputy Clerk, Mickey Todd, to the Building Authority. Said appointment shall expire on 11/20/2016.

MOTION carried.

12. Request permission to authorize legal counsel to represent Macomb Township in case no. 16-2335-CZ (Elite Sports Ventures)

MOTION by Carey seconded by Krzeminski to authorize legal counsel to represent Macomb Township in case no. 16-2335-CZ (Elite Sports Ventures).

MOTION carried.

- 12a. Request to help fund the Dakota High School Liaison Officer for the 2016/2017 budget year

MOTION by Bucci seconded by Freitas to fund 50% of the School Liaison Deputy position for 2016/2017 budget year in the amount of \$57,089.11.

MOTION carried.

- 12b. Request to approve Kroger Special Events permit

MOTION by Krzeminski seconded by Goodhue to approve the request for a Special Events Permit for the Kroger 21 & Card Shops Grand Re-Opening, located on the northwest corner of 21 Mile Road and Card (Parcel No. 08-27-476-002). This Special Events Permit shall allow for signage to be in place from July 13 – July 29, 2016. This approval shall be contingent upon the Fire Department receiving fire suppression plans for the site.

MOTION carried.

FIRE DEPARTMENT

13. Request authorization to recruit part-time dispatchers

MOTION by Carey seconded by Goodhue to authorize the Human Resources Department to initiate the recruitment of twenty (20) part-time dispatchers for the Fire Department.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 13, 2016

MOTION carried.

13a. Request for emergency repair to 2009 GMC

MOTION by Krzeminski seconded by Nevers to authorize an emergency repair to the 2009 GMC for the Fire Department in the amount of \$9,448.26

MOTION carried.

13b. Life Saving Award Presentation

The Fire Chief spoke to an incident that occurred on 6/28/16 regarding 3 year old Leo Sahr. The young boy inadvertently fell into the pool. Ms. Aleah Cantrell was at the party, noticed the boy struggling and jumped into the pool to pull him out. Her quick actions saved his life. In recognition of her actions and with the thanks of the family, the Fire Chief presented Ms. Cantrell with a Macomb Township Life Saving Award.

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

Resident Mark Grabow spoke regarding negative campaigning and actions of the Township Board.

Resident Jim Gelios spoke regarding election law violations, fraudulent campaign flyers, false endorsements for candidates, candidate voting records and actions of the Township Board.

Resident Gail Toth spoke regarding comments made by the Township Board members at previous meetings.

Resident Susan Thomas addressed false endorsements for candidates and her desire to see another meet the candidate interview done to address the matter.

Non-Resident Harold Haugh spoke regarding his political experience, professional experience and the misunderstanding regarding a political endorsement.

Resident Neil Kaffenberger spoke regarding the need for sidewalk replacement and public safety.

BOARD COMMENTS

14. The Supervisor had the Township Engineer explain that the sidewalk replacement program is being handled by a contractor and that the contract is being administered by the Building Department.

15. The Clerk stated that the Township had sent out 8135 absentee ballots and that 2183 had been returned (27%). He indicated that he anticipates a larger return than

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 13, 2016

in the past based upon the requests received for ballots. He also stated that the current voting devices are at the end of their life cycle and will need to be replaced. The State has a appropriated \$5 Million to couple with left over Help America Vote Act (HAVA) funding to assist with this replacement. The State is recommending that individual communities budget for this replacement as well by setting aside \$2000 per precinct in their jurisdiction. The Clerk recommends that the next Clerk set aside \$100,000 in the next budget to address the issue.

16. The Treasurer informed the residents that the tax bills went out on 7/1/16 and that if they had not received it yet to please contact her office.
17. Trustee Krzeminski commented that there were still around 10 or 12 sidewalk easements to go and that to date the Township had expended over \$100,000 to secure easements.

CLOSED SESSION

MOTION by Bucci seconded by Goodhue to enter into Closed Session at 8:00 p.m. to discuss litigation case no. 15-4439-CZ, IAFF Grievance 16-001, status of IAFF contract negotiations, status of contract negotiations with MAFF, litigation case no. 16-2335-CZ, legal opinion on Wellington claim for refund and request to approve amended easement language for parcel no. 08-33-226-012.

MOTION carried.

The Board convened back into open session at 9:10 p.m.

18. Litigation update to discuss possible resolution regarding case no. 15-4439-CZ (RML Decorative Concrete)

MOTION by Carey seconded by Bucci to continue negotiations.

MOTION carried.

19. IAFF Grievance 16-001 discussion update

MOTION by Carey seconded by Krzeminski to reject the offer proposed by the union and authorize Mr. Esordi and the Fire Chief to continue negotiations.

MOTION carried.

20. Status of contract negotiations with IAFF regarding full time firefighters

This information was received as information only and no action was required.

21. Status of contract negotiations with MAFF re: pay scale, Stand-By duty and Auxiliary firefighters

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 13, 2016

MOTION by Carey seconded by Freitas to authorize legal counsel to continue to meet and discuss these matters with MAFF.

MOTION carried.

22. Litigation update for case no. 16-2335-CZ (Elite Sports Ventures)

MOTION by Carey seconded by Nevers to file response pleadings to the lawsuit.

MOTION carried.

23. Legal Opinion on Wellington claim refund

MOTION by Carey seconded by Goodhue to allow legal counsel to proceed as discussed in closed session.

MOTION carried.

24. Request to approve amended easement language for Parcel No. 08-33-226-012

MOTION by Carey seconded by Freitas to authorize legal counsel to proceed as discussed regarding the amended easement language for Parcel No. 08-33-226-012.

MOTION carried.

ADJOURNMENT

MOTION by Bucci seconded by Krzeminski to adjourn the Board meeting at 9:16 p.m.

MOTION carried.

Respectfully submitted,

Janet I. Dunn
Macomb Township Supervisor

Edward A. Carey
Macomb Township Clerk

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 13, 2016