

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, MAY 11, 2016

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

PRESENT: JANET DUNN, SUPERVISOR  
MICHAEL D. KOEHS, 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 KOEHS called the roll and the Board of Trustees was present.

At this time, Clerk Koehs stated he was retiring and read his letter of retirement, indicating he was retiring effective June 3, 2016. He thanked Deputy Clerk James Gelios for his service, who will also be leaving effective June 3, 2016. He also thanked the citizens for the privilege of allowing him to serve them.

After finishing, Clerk Koehs then left the meeting to a standing ovation from all in attendance.

Deputy Clerk Gelios then took over the Clerk's duties for this meeting.

**MOTION by KRZEMINSKI seconded by FREITAS to accept the letter of retirement from Clerk Koehs and Deputy Clerk Gelios as presented.**

**MOTION carried**

At this time, Supervisor Dunn stated due to the amount of people present for item #8 (Dog Park Update) she was moving that item to be the first item on the agenda to be handled.

She then requested Planner Patrick Meagher read his prepared statement.

He read, "After meeting with the applicable department heads and hearing the concerns of

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board members and local residents... Supervisor (Janet) Dunn has directed us to re-examine the dog park plans with the designer and consider options to mitigate the potential impacts of the park at this location. For this reason we are asking that this item be postponed until staff is ready to proceed with new design options for the site.”

Public comments opposing and supporting this item included comments from Jeannette Gough, Mark Grabow, Sandra Wiland, Elizabeth Coan, Linda Walter, Gary Maata, Jennette Jackimowicz, Andrew Barron, Jeff Grzywna, Richard Huhn, Kevin Kaffenberger, Rachel Willaert, Lee Wiland, Matt Mackinson, Chris Christoforo, and Renee Dutkiewicz. They spoke regarding their many concerns for the current location and possible alternate locations available.

**MOTION by BUCCI seconded by NEVERS to table this item indefinitely for further review.**

**MOTION carried.**

**MOTION by BUCCI seconded by GOODHUE to take a five minute recess.**

**MOTION carried.**

### **APPROVAL OF THE AGENDA**

2. The agenda was reviewed and items 5A14, 5C3, 5C4 and 5D1 were added to the Consent Agenda. Item 13A added to the regular agenda and items 22 and 23 were added to Closed Session.

Treasurer Goodhue requested that item #15 be tabled for two weeks.

**MOTION by BUCCI seconded by FREITAS 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 GOODHUE 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 April 27, 2016 were reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by KRZEMINSKI seconded by FREITAS to approve the minutes of the meeting of April 27, 2016 as presented.**

**MOTION carried.**

5. **Consent Agenda Items:**

- A. Engineering Department:

1. Request to Approve Easement Agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-28-376-009.
2. Request to Approve Easement Agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-28-400-008.
3. Request to Approve Easement Agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-33-226-006.
4. Request to Approve Easement Agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-33-226-007.
5. Request to Approve Easement Agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-33-226-021.
6. Request to Approve Easement Agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-28-200-020.
7. Request to Approve Easement Agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-33-226-010.
8. Request to Approve Easement Agreement: 2015 Pathway Gap Closure Program – Parcel No. 08-33-276-001.
9. Request for Site Plan Bond Release; Sycamore Glen Apartments Phase 1, Section 25.
10. Request to Approve Easement Agreement: 2015 Pathway Gap Closure Program Parcel No. 08-27-100-018.
11. Request to Approve Easement Agreement: 2015 Pathway Gap Closure Program Parcel No. 08-27-100-019.
12. Request to Approve Easement Agreement: 2015 Pathway Gap Closure Program Parcel No. 08-27-100-032.
13. Request to Approve Easement Agreement: 2015 Pathway Gap Closure Program Parcel No. 08-33-226-017.
14. Request for Site Development Bond Release; Lone Star West Site Condominium”

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B. Facilities and Grounds Department:

1. Request for New Township Vehicle Purchase.
2. Request for New Utility Dump Trailer Purchase..

C. Water and Sewer Department:

1. Easement Encroachment Agreement: Lot # 52, Stagsleap Pointe Subdivision. Sidwell # 08-22-195-003.
2. Easement Encroachment Agreement: Lot # 48, Stagsleap Pointe Subdivision. Sidwell # 08-22-195-007.
3. Easement Encroachment Agreement; Lot 5, Deerwood Manor Subdivision, Sidwell # 08-28-228-005.
4. Easement Encroachment Agreement; Unit 15, The Preserves at Legacy Estates Site Condominiums; Sidwell # 08-25-176-015

D. Assessing Department:

1. Authorization to Attend Continuing Education Class.

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 FREITAS seconded by KRZEMINSKI to approve the Consent Agenda as earlier amended.**

**MOTION carried.**

6. Public Comments, Agenda Items Only

**OLD BUSINESS:**

7. Review of Second Amended Restated Declaration of Easements and Conditions of the Consent Judgment : Legacy Estates (*tabled from April 27, 2016*)

Legal Counsel Larry Scott addressed this item with the Board members, recommending approval.

**MOTION by KRZEMINSKI seconded by GOODHUE to approve the Second Amended Restated Declaration of Easements and Conditions of the Consent Judgment as presented.**

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**MOTION carried.**

8. Dog Park Update (*tabled from April 27, 2016*)

This item was previously handled at the beginning of this meeting.

**NEW BUSINESS:**

9. Proposed E-Cigarette Ordinance Amendment.

Legal Counsel Larry Scott addressed this item with the Board members.

**ORDINANCE NO. \_\_\_\_\_**

**AMENDMENT TO THE MACOMB TOWNSHIP CODE**

**TITLE**

**AN ORDINANCE** amending Section 12-430 of the Macomb Township Code to change the penalty for the first offense of possession or use of tobacco or vapor products by a minor, or for presenting or offering false or fraudulent proof of age, or proof of age of another person for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product or vapor product.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, COUNTY OF MACOMB, MICHIGAN, ORDAINS:**

**SECTION 1. REVISION OF CHAPTER 12, ARTICLE IX – OFFENSES INVOLVING MINORS, DIVISION 3, SECTION 430 – POSSESSION OF TOBACCO:**

Chapter 12, Article IX, Division 3, Section 430 of the Macomb Township Code shall be amended to read as follows:

**Sec. 12-430. - Prohibited conduct.**

- (a) Subject to subsection (c), a minor shall not do any of the following:
- (1) Purchase or attempt to purchase a tobacco product or vapor product.
  - (2) Possess or attempt to possess a tobacco product or vapor product.

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- (3) Use a tobacco product or vapor product in a public place.
  - (4) Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product or vapor product.
- (b) An individual who violates subsection (a) shall be subject to the following penalties:
- (1) For the first violation, and for each violation committed by a person under age 17, the person is responsible for a civil infraction punishable by a civil fine of \$50.00.
  - (2) For a second or subsequent violation, a person is guilty of a misdemeanor punishable by a fine of not more than \$50.00 for each violation.
  - (3) In addition, pursuant to a probation order for any second or subsequent violation of subsection (a), the court may require an individual to:
    - a. Perform not more than 16 hours of community service in a hospice, nursing home, or long-term care facility for a first offense violation, 32 hours of community service for a second offense violation, and 48 hours of community service for a third or subsequent offense violation.
    - b. Participate in a health promotion and risk reduction program.
    - c. Pay any costs or fees related to participation in a health promotion and risk reduction program ordered by the court.
- (c) Subsection (a) does not apply to a minor participating in any of the following:
- (1) An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
  - (2) An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the state police or a local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product or vapor product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.
  - (3) Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted under the direction of a substance abuse coordinating agency as defined in

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the Public Health Code, 1978 PA 368, MCL 333.6103, and with the prior approval of the state police or a local police agency.

- (d) Subsection (a) does not apply to the handling or transportation of a tobacco product or vapor product by a minor under the terms of that minor's employment.
- (e) This section does not prohibit an individual from being charged with, convicted of or found responsible for, or sentenced for any other violation of law that arises out of the violation of subsection (a).

**State law reference – MCL 722.641 *et seq.***

**SECTION 2. REMAINING ORDINANCE PROVISIONS REMAIN IN EFFECT**

All remaining provisions of this Ordinance or of the Township Code not amended by this Ordinance shall remain in full force and effect.

**SECTION 3. REPEAL OF CONFLICTING PROVISIONS**

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

**SECTION 4. SEVERABILITY**

If any section, paragraph, clause, or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 5. PUBLICATION**

This Ordinance or a summary of this Ordinance shall be published in a newspaper of general circulation in the Township of Macomb within fifteen (15) days after its adoption.

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after the date of publication, as provided by Section 5.

**MOTION by FREITAS seconded by KRZEMINSKI to approve this E-Cigarette Ordinance Amendment as presented.**

**MOTION carried.**

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**CERTIFICATE OF TOWNSHIP CLERK**

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb Township, Macomb County, Michigan, at a meeting held on the 11<sup>th</sup> day of May, A.D., 2016.

I hereby further certify that the following Township Board members were present at the meeting: KRZEMINSKI, BUCCI, GOODHUE, NEVERS, FREITAS, DUNN and the following Township Board Members were absent: KOEHS.

I further certify that Member FREITAS moved for the adoption of the Ordinance, and that motion was supported by Member KRZEMINSKI.

I further certify that the following Macomb Township Board Members voted for the adoption of the Ordinance: KRZEMINSKI, BUCCI, GOODHUE, NEVERS, FREITAS DUNN and that the following Macomb Township Board members voted against adoption of the Ordinance: NONE.

**CERTIFICATE OF PUBLICATION**

I, Michael D. Koehs, CPM, CMC of Macomb Township do hereby certify that on \_\_\_\_\_, the foregoing Ordinance, or Summary of the Ordinance, was duly published in a newspaper having general circulation within said Township.

\_\_\_\_\_  
Michael D. Koehs, CPM, CMC

10. Request to Set a Public Hearing Date for Macomb Township Preliminary Budget (May 25, 2016)

Supervisor Dunn requested at motion to set the Public Hearing date for the Preliminary Budget meeting for May 25, 2016.

**MOTION by KRZEMINSKI seconded by FREITAS to approve and set the May 25, 2016 Public Hearing date for the Preliminary Budget hearing meeting.**

**MOTION carried.**

11. Request to Set the 2<sup>nd</sup> Public Hearing Date for Macomb Township Preliminary Budget (June 8, 2016)

Supervisor Dunn requested at motion to set the 2<sup>nd</sup> Public Hearing date for the Preliminary Budget hearing for June 8, 2016.

**MOTION by KRZEMINSKI seconded by FREITAS to set June 8, 2016 for the Public Hearing date for the 2<sup>nd</sup> Preliminary Budget hearing.**

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**MOTION carried.**

12. Request to Set the 3<sup>rd</sup> Public Hearing Date for Macomb Township Budget. (June 22, 2016)

Supervisor Dunn requested at motion to set the Public Hearing date for the 3<sup>rd</sup> Public Hearing date for the Macomb Township Budget.

**MOTION by KRZEMINSKI seconded by FREITAS to set June 22, 2016 for the Macomb Township Budget hearing meeting.**

**MOTION carried.**

13. Macomb County Department of Roads Brine Program.

Supervisor Dunn addressed this item with the board members, stating the first and second application is done for \$3,442.50 at no charge to the township. The third application would then be paid by the township at \$2728.40.

**MOTION by GOODHUE seconded by NEVERS to approve the Brine program for Road Maintenance for \$2728.40 per application.**

**MOTION carried.**

**PUBLIC HEARING**

- 13a. Street Lighting for Lone Star West Site Condominium.

Supervisor Dunn opened the Public portion for this item at 8:08 p.m.  
Due to no public comments, it was closed at 8:09 p.m.

**Street Lighting Lone Star West Site Condominiums**

**RESOLUTION ORDERING ESTABLISHMENT  
OF STREET LIGHTING DISTRICT**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on **May 11, 2016**, at 7:00 P.M., Eastern Standard Time.

PRESENT: Janet I. Dunn, Karen Goodhue, Dino F. Bucci, Jr., Cliff Freitas, Roger Krzeminski, Nancy Nevers.

ABSENT: Koehs.

The following preamble and resolution were offered by Member Bucci and supported by Member Krzeminski.

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**WHEREAS**, pursuant to 1989 PA 80, as amended (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

**WHEREAS**, the Township Board has determined that the installation of a street light or lights illuminating streets serving lands described in Exhibit "A" is necessary to preserve the public safety and welfare; and

**WHEREAS**, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

**WHEREAS**, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1989 PA 64, as amended.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

1. It is hereby directed that a street light or lights shall be installed at Lone Star West Site Condominiums which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The annual electrical service charge is Nine hundred Twenty Three dollars and 58/100 (\$923.58). Three times the annual cost is Two Thousand Seven Hundred Seventy dollars and 74/100 (\$2,770.74). Total project cost is Eleven Thousand Three Hundred Thirty One dollars and 59/100 (\$11,331.59). The petitioner contribution amount is Eight Thousand Five Hundred Sixty dollars and 85/100 (\$8,550.85). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

**AYES: BUCCI, KRZEMINSKI, GOODHUE, FREITAS, NEVERS, DUNN.**

**NAYS: NONE**

**ABSENT: KOEHS**

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**SAD, Street Lighting, Lone Star West Site Condominiums**

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF  
SPECIAL ASSESSMENT LIGHTING DISTRICT**

T3N, R3E, SEC 22; COMM AT SE COR SEC 22; TH N87\*20'40"W 565.65 FT; TH N 16\*30'52"W 393.59 FT, TH N11\*48'26"W 321.29 FT TO POB; TH S88\*38'37"W 268.89 FT, TH S60\*10'51"W 119.35 FT, TH N87\*20'40"W 202.45 FT, TH N02\*13'20"E 410.18 FT, TH S87\*37'E 531.83 FT, TH S04\*42'42"E 332.55 FT TO POB; 4.725 AC

Permanent Parcel No. 08-22-400-038

Unit 1- 49344 London Bridge Drive  
Unit 2- 49322 London Bridge Drive  
Unit 3 49333 London Bridge Drive  
Unit 4 21586 Fort Worth Court  
Unit 5 21568 Fort Worth Court  
Unit 6 21550 Fort Worth Court  
Unit 7 21535 Fort Worth Court  
Unit 8 21533 Fort Worth Court  
Unit 9 21571 Fort Worth Court  
Unit 10 21589 Fort Worth Court  
Unit 11 49410 London Bridge Drive  
Unit 12 49366 London Bridge Drive

**MOTION CARRIED, RESOLUTION PASSED.**

**ENGINEERING DEPARTMENT:**

14. Char Estates-24 Mile Road/Romeo Plank Road Development.

Township Engineer Jim Van Tiflin addressed this item with the Board members.

**MOTION by FREITAS seconded by GOODHUE to approve the Char Estates-24 Mile Road/Romeo Plank Road Sewer Diversion AEW Study as presented, provided the \$4000.00 deposit fee is paid.**

**MOTION carried.**

**HUMAN RESOURCE DEPARTMENT:**

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15. Request to Purchase BS& A Module.

*This item tabled for two weeks to May 25, 2016.*

**WATER AND SEWER DEPARTMENT:**

16. Request Approval for 23 Mile Road Water Main Relocation.

Township Engineer Jim Van Tiflin addressed this item with the Board members

**MOTION by KRZEMINSKI seconded by NEVERS to approve the 23 Mile Road Water Main Relocation as presented.**

**MOTION carried.**

17. Request Approval for Water Main Gap Closure Program.

Township Engineer Jim Van Tiflin addressed this item with the Board members.

**MOTION by BUCCI seconded by GOODHUE to table this item indefinitely.**

**MOTION carried.**

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

Resident Catherine Mazzolo spoke about her concerns regarding a blight situation at a home on Romeo Plank north of her residence.

Resident Lisa Nash spoke regarding the need for a full time Planning department and the cost of the current Planning Consultant to the township. She stated her research indicates three Planning Commission members have their Citizen Planner certificates, not six as stated at a previous meeting. She also brought up the office space of the Planning and Finance Departments as well as the lack of detailed billing regarding the Planning Consultant invoices.

Resident Mark Grabow thanked Clerk Michael Koehs and his deputy James Gelios for their services when he served as the previous township supervisor. He also took issue with the 3 minute rule imposed for public comments, stating it was restrictive and political. He also commented on the potential dog park congestion issues.

Resident Bill Capry spoke about the need for more sidewalks. Supervisor Dunn and Engineer Jim Van Tiflin addressed this sidewalk issue with the resident.

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Trustee Krzeminski asked Legal counsel Larry Scott about the need for more ordinance updates and he stated there was a need to update them. Trustee Krzeminski asked if perhaps committee meetings should be set up to address that.

**BOARD COMMENTS:**

18. Supervisor Comments

None

19. Clerk Comments

Deputy Clerk Gelios thanked Clerk Michael Koehs for his service to his country as a Vietnam combat veteran who twice received the Purple Heart award. He thanked him for his county service as a Macomb County Sheriff Deputy. He also thanked him for his service to his township.

He also thanked his staff for their years of service and professionalism, stating it was an honor and a pleasure to have worked with them.

20. Treasurer Comments

Treasurer Goodhue addressed the 3 minute time limit brought up under Public comments. She stated that standard is based on a MTA recommendation and is designed to keep meetings moving.

She also thanked Clerk Koehs and Deputy Clerk Gelios for their years of service to the township as well as his help to her when she took office.

21. Trustees Comments

Trustees Nevers, Freitas, Krzeminski and Bucci all thanked Clerk Michael Koehs for his service to his country and township.

Supervisor Dunn stated we all feel that way and asked to keep Michael Koehs in our prayers. She stated he will be very hard to replace.

**MOTION by BUCCI seconded by KRZEMINSKI to adjourn to Closed Session at 8:35 p.m.**

**MOTION carried.**

Back in regular session at 9:05 p.m.

**CLOSED SESSION**

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22. Legal Opinion Regarding Employee Discipline.

Fire Chief Robert Phillips addressed this item with the Board members, recommending termination of employee #1656.

**MOTION by GOODHUE seconded by NEVERS to adopt the recommendation of Chief Phillips to terminate employee #1656.**

**MOTION carried.**

23. Status of Case #2015-001375

**Informational Only-No action taken.**

**ADJOURNMENT**

**MOTION by BUCCI seconded by FREITAS to adjourn the Board meeting at 9:07 p.m.**

**MOTION carried.**

Respectfully submitted,

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Janet I. Dunn  
Macomb Township Supervisor

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Michael D. Koehs, CPM, CMC  
Macomb Township Clerk