

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, NOVEMBER 9, 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
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: CLIFFORD W. FREITAS, TRUSTEE

ALSO PRESENT: Patrick Meagher, Planning Consultant
James VanTiflin, Township Engineer
Thomas Esordi, Township Legal Counsel
(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 Consent Agenda Item 5F2, Request Authorization to advance Employee #2053 and Regular Agenda Item 20, Authorization for Mr. Addis and Mr. Esordi to defend the Township in the matter of Gianna Investments were added to the agenda.

MOTION by Bucci seconded by Krzeminski to approve the agenda as amended.

MOTION carried.

APPROVAL OF THE BILLS

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

MOTION by Nevers seconded by Goodhue to approve the bill runs in the amounts of \$711,848.97 and \$183,011.41.

MOTION carried.

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APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on October 26, 2016 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by Krzeminski seconded by Carey to approve the minutes of the meeting of October 26, 2016 as presented.

MOTION carried.

5. **Consent Agenda Items:**

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.

A. Planning Section

1. Request for Partial Site Development Bond Release for Noodles Restaurant

B. Engineering Department

1. Request to approve easement agreement in the amount of \$3,400.00: 2015 Pathway Gap Closure Program (Parcel No. 08-33-226-011)
2. Request to approve amended and restated easement for public sidewalk (Parcel No. 08-33-226-026)

C. Assessing Department

1. Request approval to send Phyllis Sharbo, Carol Nicholson and Daniel Hickey to EMPP/ESA & Principle Residents Exemption Class at a cost of \$40.00.

D. Fire Department

1. Request to change status of Employee #1785 from Paid-On-Call to Auxiliary Firefighter.

E. Parks & Recreation Department

1. Request permission for staff to attend Michigan Recreation and Parks Association Conference. Cost not to exceed \$2000.00.

F. Human Resources Department

1. Request for a Military Leave of Absence for Employee #1113

G. Water & Sewer Department

1. Request authorization to pay for an easement in the amount of \$2,360.00; 26 Mile Road and Hayes Road Water Main (0249-0067) SAD; Hou Chang, and Xay T. Chang (Parcel No. 08-06-300-039)

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2. Request authorization to pay for an easement in the amount of \$1.00; 26 Mile Road and Hayes Road Water Main (0249-0067) SAD; DDMR Properties LLC (Franco Mancini) (Parcel No. 08-06-200-043)
3. Request authorization to pay for an easement in the amount of \$0.00; 26 Mile Road and Hayes Road Water Main (0249-0067) SAD; Timothy Michewicz and Lee Ann Haas (Parcel No. 08-06-100-023)
4. Request authorization to pay for an easement in the amount of \$1.00; 26 Mile Road and Hayes Road Water Main (0249-0067) SAD; Providence Park Prime, LLC (Jeffrey English) Golden Homes, Inc. and The Rivers Development Company, LLC (Salvatore DiMercurio) DDMR Properties LLC (Franco Mancini) (Parcel No. 08-06-200-051)
5. Request authorization to pay for an easement in the amount of \$1.00; 26 Mile Road and Hayes Road Water Main (0249-0067) SAD; Salvatore DiMercurio, Susanne DiMercurio, Myron D. Bogue and Sandra C. Bogue (Parcel No. 08-06-100-008)
6. Request to have one employee attend Temporary Traffic Control Training Class in the amount of \$200.00.

MOTION by Bucci seconded by Krzeminski to approve the Consent Agenda as earlier amended.

MOTION carried.

6. Public Comments, Agenda Items Only

None.

OLD BUSINESS

PUBLIC HEARING

7. Street Lighting for Riviera Ridge Estates Site Condominiums

Public Hearing was opened at 7:03 p.m.

The Developer was present and stated that he was requesting the Special Assessment District so he could move forward with the development.

The Public Hearing closed at 7:05 p.m.

Street Lighting Riviera Ridge Estates Site Condominiums
Resolution Ordering Establishment
Of Street Lighting District

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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 November 9, 2016, at 7:00 p.m., eastern daylight saving time.

PRESENT: Janet I. Dunn, Edward A. Carey, Jr., Karen Goodhue, Dino F. Bucci, Jr., Roger Krzeminski, Nancy Nevers

ABSENT: Clifford Freitas

The following preamble and resolution were offered by Member and supported by Member,

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 benefitted 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 Riviera Ridge Estates Site Condominiums, which will illuminate streets, serving and benefitting the lot(s) and/or parcel(s) of land described in Exhibit "A".
2. A Special Assessment District consisting of lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street light(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 Three Thousand Two Hundred Twenty dollars and 80/100 (\$3220.80). Three times the annual cost is Nine Thousand Six Hundred Sixty Two Dollars and 40/100 (\$9,662.40). Total project cost is Thirty Five Thousand Thirty Six Dollars and 41/100 (\$35,036.41). The petitioner contribution amount is Twenty Five Thousand Three Hundred Seventy Four

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Dollars and 01/100 ((\$25,374.01). 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.

MOTION by Bucci seconded by Goodhue to adopt the resolution for Street lighting for Riviera Ridge Estates Site Condominiums.

**Roll Call: Ayes: Bucci, Goodhue, Krzeminski, Nevers, Carey, Dunn
Nays: None
Absent: Freitas**

RESOLUTION DECLARED ADOPTED.

NEW BUSINESS

CLERKS OFFICE

8. Charitable Gaming License Resolutions for Chippewa Valley Elementary Schools.

The Records Manager informed the Board that the Chippewa Valley School District has petitioned the Township to adopt resolutions recognizing their elementary schools as being non-profit. This will allow them to obtain gaming license to raise money by hosting certain types of events. They have provided a letter from the school district and a copy of their Tax Identification Number.

8-1. Resolution for Cheyenne Elementary PTO

At a Regular meeting of the TOWNSHIP BOARD called to order by SUPERVISOR JANET DUNN on 11/9/16 at 7:00 p.m. the following resolution was offered:

Moved by Krzeminski and supported by Goodhue that the request from CHEYENNE ELEMENTARY PARENT TEACHER ORGANIZATION (PTO) of MACOMB TOWNSHIP, county of MACOMB, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for APPROVAL.

**Roll Call: Ayes: Krzeminski, Goodhue, Bucci, Nevers, Carey, Dunn
Nays: None
Absent: Freitas**

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RESOLUTION DECLARED ADOPTED.

8-2. Resolution for Fox Elementary PTO

At a Regular meeting of the TOWNSHIP BOARD called to order by SUPERVISOR JANET DUNN on 11/9/16 at 7:00 p.m. the following resolution was offered:

Moved by Krzeminski and supported by Nevers that the request from FOX ELEMENTARY PARENT TEACHER ORGANIZATION (PTO) of MACOMB TOWNSHIP, county of MACOMB, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for APPROVAL.

Roll Call: Ayes: Krzeminski, Nevers, Bucci, Goodhue, Carey, Dunn
Nays: None
Absent: Freitas

RESOLUTION DECLARED ADOPTED.

8-3. Resolution for Mohawk Elementary PTO

At a Regular meeting of the TOWNSHIP BOARD called to order by SUPERVISOR JANET DUNN on 11/9/16 at 7:00 p.m. the following resolution was offered:

Moved by Krzeminski and supported by Bucci that the request from MOHAWK ELEMENTARY PARENT TEACHER ORGANIZATION (PTO) of MACOMB TOWNSHIP, county of MACOMB, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for APPROVAL.

Roll Call: Ayes: Krzeminski, Bucci, Nevers, Goodhue, Carey, Dunn
Nays: None
Absent: Freitas

RESOLUTION DECLARED ADOPTED.

8-4. Resolution for Ojibwa Elementary PTO

At a Regular meeting of the TOWNSHIP BOARD called to order by SUPERVISOR JANET DUNN on 11/9/16 at 7:00 p.m. the following resolution was offered:

Moved by Bucci and supported by Krzeminski that the request from OJIBWA ELEMENTARY PARENT TEACHER ORGANIZATION (PTO) of MACOMB TOWNSHIP, county of MACOMB, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for APPROVAL.

Roll Call: Ayes: Bucci, Krzeminski, Nevers, Goodhue, Carey, Dunn

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Nays: None
Absent: Freitas

RESOLUTION DECLARED ADOPTED.

8-5. Resolution for Sequoyah Elementary PTO

At a Regular meeting of the TOWNSHIP BOARD called to order by SUPERVISOR JANET DUNN on 11/9/16 at 7:00 p.m. the following resolution was offered:

Moved by Bucci and supported by Nevers that the request from SEQUOYAH ELEMENTARY PARENT TEACHER ORGANIZATION (PTO) of MACOMB TOWNSHIP, county of MACOMB, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for APPROVAL.

Roll Call: Ayes: Bucci, Nevers, Krzeminski, Goodhue, Carey, Dunn
Nays: None
Absent: Freitas

RESOLUTION DECLARED ADOPTED.

8-6. Resolution for Shawnee Elementary PTO

At a Regular meeting of the TOWNSHIP BOARD called to order by SUPERVISOR JANET DUNN on 11/9/16 at 7:00 p.m. the following resolution was offered:

Moved by Goodhue and supported by Nevers that the request from SHAWNEE ELEMENTARY PARENT TEACHER ORGANIZATION (PTO) of MACOMB TOWNSHIP, county of MACOMB, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for APPROVAL.

Roll Call: Ayes: Goodhue, Nevers, Bucci, Krzeminski, Carey, Dunn
Nays: None
Absent: Freitas

RESOLUTION DECLARED ADOPTED.

PLANNING SECTION

9. Rezoning Request from Residential One Family (R-1) to General Commercial (C-2) for Parcel No. 08-35-452-004

The Planner stated that this matter had been recommended for approval by the Planning Commission and that it is consistent with the Township Master Plan and with zoning trends in the area.

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MOTION by Carey seconded by Bucci to approve the Rezoning Request from Residential One Family (R-1) to General Commercial (C-2) for Parcel No. 08-35-452-004

MOTION carried.

FIRE DEPARTMENT

10. Request authorization to extend offers of employment for dispatchers in the Macomb Township Fire Department

MOTION by Bucci seconded by Krzeminski to concur with the recommendation of the Fire Chief and make an offer of employment to Lauren Coddington, Rochelle Day, Elizabeth Dollinger, Austin Mansoor, Nancy Meyers, Jeanette Morris, Rebecca Platt, Gary Schirs and Nicole Thomas. All offers are contingent upon the applicants meeting a post offer and pre-hire psychological evaluation, physical exam, drug & alcohol screening and background check. Employment shall begin on or after 11/28/16.

MOTION carried.

SUPERVISOR

11. Consideration of closing the general offices of the Township during the regularly scheduled work days between Christmas Day and New Year's Day

Mr. Esordi indicated that this matter is required to be addressed 30 days prior to the time period in question as indicated in the collective bargaining agreements between the Township and the hourly and management unions.

MOTION by Bucci seconded by Krzeminski to approve the closing of the general offices of the Township during the regularly scheduled work days between Christmas Day and New Year's Day in accordance with the Collective Bargaining Agreements.

MOTION carried.

12. Authorization to approve position description and extend offer of employment for a Planning Director

MOTION by Goodhue seconded by Carey to approve the Planning Director job description, authorize the Labor Attorney to negotiate this new position into the current Collective Bargaining Agreement and to authorize the Hire of the current contractor within 90 days of approval and upon completion of all post offer requirements.

MOTION carried.

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13. Request permission to recruit for a Planning Supervisor

MOTION by Bucci seconded by Krzeminski to approve the Planning Supervisor job description, and to initiate the recruitment process.

MOTION carried.

14. Request permission to recruit for an Engineering Manager

MOTION by Krzeminski seconded by Nevers to approve the Engineering Manager job description, authorize the Labor Attorney to negotiate this new position into the current Collective Bargaining Agreement and to initiate the recruitment process.

MOTION carried.

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

Resident Tim Bussineau congratulated those who won elected office and thanked the Clerk's Office staff and election workers. He indicated he looked forward to working with Board Members and helping improve citizens feelings regarding government.

Non-Resident, Charles Pierce, Records Manager for Macomb Township, thanked Mr. Carey for taking on the responsibility of Clerk during a difficult time and congratulated him on his great work.

Neil Kaffenberger asked the Township speed up the process of getting sidewalks installed.

BOARD COMMENTS

15. Supervisor Dunn stated that the bike drive is almost done so if residents are interested in donating a bike they need to get it in soon.

Supervisor Dunn indicated that the Township Attorney has been contacted by another waste hauling company in the area and they indicated that they are going to initiate litigation against the Township. She also stated that she, Mrs. Goodhue, Mr. Esordi and Mr. Addis met with Green For Life, which is the company that bought Rizzo Environmental. She stated that they told the company they were happy with the price of the contract, but not with how it was achieved. GFL was told the following: (1) Those individuals who had interacted with the Township during the bid award, and are still employed by the company, must be removed from our account (2) Communications with the Township must be through the Township Attorney (3) Meetings that are to be had shall be scheduled through the Supervisor's Office (4) GFL may make a presentation to the Township Board if the Board wants one (5)The Board shall have a new committee put together regarding the single waste hauler

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project and further investigation shall be done which may lead to the Township choosing a new waste hauling company.

MOTION by Krzeminski seconded by Nevers to have a committee appointed at the next meeting for the single waste hauler and to discuss this matter.

MOTION carried.

16. Clerk Carey congratulated the election day winners and offered his condolences to those who lost. He thanked the Board for allowing him to serve with them and stated it was his honor to do so. He thanked his staff, the Finance Department, The Water & Sewer Department and the Facilities & Grounds Department for their help with the election process.
17. The Treasurer informed the residents that the Township Offices will be open one day during the Christmas holiday closure to receive tax payments and that the date will be indicated on the bill.
18. Trustee Nevers thanked Mr. Gelle for getting the brick pavers installed in the Veterans Memorial before the ceremony this Friday.

Trustee Krzeminski thanked the Clerk for his work and for serving on the Board. He thanked the voters for returning him to office. Additionally he thanked Veterans and Mr. Gelle for getting the brick pavers installed.

CLOSED SESSION

MOTION by Bucci seconded by Goodhue to enter into closed session at 7:41 p.m. to discuss the written legal opinion regarding the recommendation of Fire Department Staffing Considerations and to seek authorization for Mr. Addis and Mr. Esordi to defend the Township in the matter of Gianna Investments case no. 16-3738.

MOTION carried.

The Board reconvened into open session at 8:50 p.m.

19. Written Legal Opinion regarding recommendation of Fire Department Staffing Considerations

MOTION by Carey seconded by Krzeminski to authorize the Fire Chief and legal counsel to proceed as discussed.

MOTION carried.

20. Authorization for Mr. Addis and Mr. Esordi to defend the Township in the matter of Gianna Investments case no. 16-3738.

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Trustee Bucci stated that he is abstaining from the vote on the matter of Gianna Investments case no. 16-3738.

MOTION by Carey seconded by Krzeminski to authorize Mr. Addis and Mr. Esordi to defend the Township in the matter of Gianna Investments case no. 16-3738.

MOTION carried.

ADJOURNMENT

MOTION by Bucci seconded by Goodhue to adjourn the Board meeting at 8:52 p.m.

MOTION carried.

Respectfully submitted,

Janet I. Dunn
Macomb Township Supervisor

Edward A. Carey, Jr.
Macomb Township Clerk