



MACOMB TOWNSHIP *Michigan*

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES
WEDNESDAY, FEBRUARY 24, 2021

LOCATION: VIDEO CONFERENCE

Call Meeting to Order

Meeting was called to order by Supervisor Viviano at 6:30 p.m.

Pledge of Allegiance to the Flag of the United States

Pledge of Allegiance was recited by all in attendance.

1. Roll Call

Clerk POZZI called the roll:

Present: Kristi L. Pozzi, Frank A. Cusumano Jr., Peter J. Lucido III, Nancy J. Nevers, Charles Oliver, Leon Drolet, Frank J. Viviano

Absent:

2. Approval of Agenda Items (with any corrections)

MOTION by Charles Oliver seconded by Nancy J. Nevers to approve the agenda as amended with the addition of NEW Item 6, Request to Establish Amount of Guarantee for Completion of Site Improvements at 10% of the Cost Estimate for Site Improvements as Approved by the Township Engineer and to Reduce Guarantees for Completion of Site Improvements Currently Being Held to 10%, and amending OLD Item 6 to be Item 6a; Request to Amend the Macomb Township Code of Ordinances - Chapter 14, Division 2, Section 14-83, Guarantees for Completion of Site Improvements.

ROLL CALL Vote Summary: (7 - 0 - 0)

Ayes - Charles Oliver, Nancy J. Nevers, Frank A. Cusumano Jr., Peter J. Lucido III, Leon Drolet, Kristi L. Pozzi, Frank J. Viviano

Nays - None

Abstain - None

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THE MOTION Passed.

3. Approval of Bills

MOTION by Leon Drolet seconded by Kristi L. Pozzi to approve the bills as presented.

ROLL CALL Vote Summary: (7 - 0 - 0)

Ayes - Leon Drolet, Kristi L. Pozzi, Frank A. Cusumano Jr., Peter J. Lucido III, Nancy J. Nevers, Charles Oliver, Frank J. Viviano

Nays - None

Abstain - None

THE MOTION Passed.

4. Approval of Previous Meeting Minutes from February 10, 2021

MOTION by Kristi L. Pozzi seconded by Leon Drolet to approve meeting minutes from February 10, 2021 as presented.

ROLL CALL Vote Summary: (7 - 0 - 0)

Ayes - Kristi L. Pozzi, Leon Drolet, Frank A. Cusumano Jr., Peter J. Lucido III, Nancy J. Nevers, Charles Oliver, Frank J. Viviano

Nays - None

Abstain - None

THE MOTION Passed.

CONSENT AGENDA ITEMS:

5. Engineering Department

a. Request to Approve Easement Agreement: 2021 Pathway Gap Closure Program (Parcel No. 08-36-251-002)

b. Request to Approve Easement Agreement: 2021 Pathway Gap Closure Program (Parcel No. 08-22-400-001)

MOTION by Leon Drolet seconded by Kristi L. Pozzi to approve the Consent Agenda items as presented.

ROLL CALL Vote Summary: (7 - 0 - 0)

Ayes - Leon Drolet, Kristi L. Pozzi, Frank A. Cusumano Jr., Peter J. Lucido III, Nancy

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J. Nevers, Charles Oliver, Frank J. Viviano
Nays - None
Abstain - None

THE MOTION Passed.

PUBLIC COMMENTS, AGENDA AND NON-AGENDA ITEMS - (3 MINUTE TIME LIMIT)

There were no public comments.

NEW BUSINESS:

ENGINEERING DEPARTMENT:

6. Request to Amend the Macomb Township Code of Ordinances - Chapter 14, Division 2, Section 14-83, Guarantees for Completion of Site Improvements and Reduce Guarantees Currently Being Held by the Township to 10% as Required Under the Ordinance Amendment

Item presented by Township Engineer James Van Tiflin.

MOTION by Leon Drolet seconded by Kristi L. Pozzi to Establish Amount of Guarantee for Completion of Site Improvements at 10% of the Cost Estimate for Site Improvements as Approved by the Township Engineer and to Reduce Guarantees for Completion of Site Improvements Currently Being Held to 10%.

ROLL CALL Vote Summary: (6 - 1 - 0)

Ayes - Leon Drolet, Kristi L. Pozzi, Peter J. Lucido III, Nancy J. Nevers, Charles Oliver, Frank J. Viviano

Nays - Frank A. Cusumano Jr.

Abstain - None

THE MOTION Passed.

- 6a. Request to Amend the Macomb Township Code of Ordinances - Chapter 14, Division 2, Section 14-83, Guarantees for Completion of Site Improvements.

Item presented by Township Engineer James Van Tiflin.

**MACOMB TOWNSHIP
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO. 280

**AN ORDINANCE TO AMEND THE MACOMB TOWNSHIP CODE OF ORDINANCES TO
AMEND CHAPTER 14, DIVISION 2, SECTION 14-83, GUARANTEES FOR
COMPLETION OF SITE IMPROVEMENTS, TO PROVIDE FOR REPEALER,
SEVERABILITY AND EFFECTIVE DATE.**

THE TOWNSHIP OF MACOMB ORDAINS:

Section 1. Chapter 14, Division 2, Section 14-83, Guarantees for Completion is hereby amended to provide as follows:

Sec. 14-83. - Guarantee for completion.

After Site Plan approval, Final Plan approval for site condominiums, or Final Preliminary subdivision approval by the Township Planning Commission and/or the Township Board, but before the issuance of construction permits for the development, the developer shall provide the Township with a guarantee for the satisfactory completion of the required site improvements for their development. Such guarantee shall be in the form of cash, certified check or irrevocable letter of credit acceptable to the Township. The amount of the guarantee shall be set by the Township Board based upon the total estimated construction cost of the site improvements as determined by the Township Engineer. The Township shall retain the full guarantee for the duration of the project and release the guarantee at the completion of all site improvements as reviewed by the Township Engineer and all required Departments. Occupancy permits shall not be issued until all site improvements are complete and the bond is released for Site Plans. For subdivisions and site condominiums, building permits for individual homes shall not be issued until all site improvements are complete and the bond is released.

The entire bond, or any portion thereof, may be used by the Township to offset the actual cost of any required litigation or enforcement action to gain compliance with the terms, conditions and requirements of this ordinance, where non-compliance cannot be otherwise resolved. A record of actual cost(s) of any required litigation or enforcement action shall be maintained and shall be available to the parties in interest. Any bond money not used in the actual costs of obtaining compliance shall be returned upon the lawful resolution of any issues in dispute

Section 2. Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining provisions, it being the intent of the city that this ordinance shall be fully severable.

Section 3. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent to give this ordinance full force and affect.

Section 4. Effective Date. This ordinance shall become effective upon publication and shall be applied retroactively to current guarantees on deposit with the Township.

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MOTION by Pozzi seconded by Drolet to adopt the above and foregoing ordinance which amends the guarantees for site improvements, to provide for repealer, severability and effective date.

Roll Call:

Ayes: Kristi L. Pozzi, Leon Drolet, Peter J. Lucido III, Nancy J. Nevers, Charles Oliver, Frank J. Viviano

Nays: Frank A. Cusumano

Absent: None

ORDINANCE ADOPTED this 24th day of February, 2021.

7. Request to Approve Pathway Abeyance for 24280 24 Mile Road (Parcel No. 08-13-200-022)

Item presented by Township Engineer James Van Tiflin. Trustee Oliver recused himself from discussion and action on this item due to a conflict of interest.

MOTION by Kristi L. Pozzi seconded by Leon Drolet to Approve Pathway Abeyance for 24280 24 Mile Road (Parcel No. 08-13-200-022).

ROLL CALL Vote Summary: (6 - 0 - 0)

Ayes - Frank A. Cusumano Jr., Peter J. Lucido III, Nancy J. Nevers, Leon Drolet, Kristi L. Pozzi, Frank J. Viviano

Nays - None

Abstain - None

THE MOTION Passed.

8. Request to Approve Release of Easement for Municipal Utilities for Elite Corporate Park

Item presented by Township Engineer James Van Tiflin.

MOTION by Kristi L. Pozzi seconded by Charles Oliver to Approve Release of Easement for Municipal Utilities for Elite Corporate Park.

ROLL CALL Vote Summary: (7 - 0 - 0)

Ayes - Kristi L. Pozzi, Charles Oliver, Frank A. Cusumano Jr., Peter J. Lucido III, Nancy J. Nevers, Leon Drolet, Frank J. Viviano

Nays - None

Abstain - None

THE MOTION Passed.

HUMAN RESOURCES DEPARTMENT:

9. Authorization to extend Offer of Employment - Planning Department

Item presented by Human Resources Director Jeff Tabaka.

MOTION by Charles Oliver seconded by Nancy J. Nevers to Approve Melissa Kalnasy for hire contingent upon successful completion of a post offer pre -hire physical examination, drug and alcohol screening, background check and psychological examination. The effective date of hire will be on or after March 15, 2021.

ROLL CALL Vote Summary: (7 - 0 - 0)

Ayes - Charles Oliver, Nancy J. Nevers, Frank A. Cusumano Jr., Peter J. Lucido III, Leon Drolet, Kristi L. Pozzi, Frank J. Viviano

Nays - None

Abstain - None

THE MOTION Passed.

SUPERVISOR'S OFFICE:

10. Board of Review Appointment

Item presented by Supervisor Viviano.

MOTION by Charles Oliver seconded by Nancy J. Nevers to appoint Phyllis Sharbo to the Board of Review as a replacement, term to expire 12-31-2021.

ROLL CALL Vote Summary: (7 - 0 - 0)

Ayes - Charles Oliver, Nancy J. Nevers, Frank A. Cusumano Jr., Peter J. Lucido III, Leon Drolet, Kristi L. Pozzi, Frank J. Viviano

Nays - None

Abstain - None

THE MOTION Passed.

11. Award CDBG Fund Monies

Item presented by Supervisor Viviano.

MOTION by Leon Drolet seconded by Peter J. Lucido III to Award the 2021 year Community Development Block Grant monies in the amount of \$3,000 to Care

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House, \$400 to Interfaith Volunteer Caregivers and \$28,600 to Macomb Township Senior Center.

ROLL CALL Vote Summary: (7 - 0 - 0)

Ayes - Leon Drolet, Peter J. Lucido III, Frank A. Cusumano Jr., Nancy J. Nevers, Charles Oliver, Kristi L. Pozzi, Frank J. Viviano

Nays - None

Abstain - None

THE MOTION Passed.

BOARD COMMENTS:

Trustees Comments

Trustee Nevers commended Care House for the work they do on behalf of children.
Trustee Oliver thanked those responsible for working on the ordinance amendment voted on this evening.

Treasurer Comments

Treasurer Drolet spoke about the ordinance amendment and feels it will spur positive development in the Township.

Clerk Comments

Clerk Pozzi likewise spoke about the positive effect the new ordinance will have on the Township.

Supervisor Comments

Supervisor Viviano welcomed the new Human Resources Director Jeff Tabaka to the Township and stated the new legal counsel is working diligently on a variety of matters.

ADJOURNMENT

MOTION by Leon Drolet seconded by Kristi L. Pozzi to adjourn the February 24, 2021 Board meeting at 07:10 PM.

ROLL CALL Vote Summary: (7 - 0 - 0)

Aye - Leon Drolet, Kristi L. Pozzi, Frank A. Cusumano Jr., Peter J. Lucido III, Nancy J. Nevers, Charles Oliver, Frank J. Viviano

Nay - None

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Abstain - None

THE MOTION Passed.