



MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES
WEDNESDAY, APRIL 6, 2022

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

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

Absent: Charles Oliver

2. Approval of Agenda Items (with any corrections)

MOTION by Leon Drolet seconded by Frank A. Cusumano Jr. to approve the agenda with the following corrections, postage amount for Item 8a changed to \$5,519.81 from \$7,721.16 and language in the resolution for Item 14 has been amended and revised resolution was distributed to Board members.

Vote Summary: (6 - 0 - 0)

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

Nays - None

Abstain - None

THE MOTION Passed.

3. Approval of Bills

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

Vote Summary: (6 - 0 - 0)

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

Nays - None

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Abstain - None

THE MOTION Passed.

4. Approval of Previous Meeting Minutes from March 23, 2022 and Closed Session Meeting Minutes from March 23, 2022

MOTION by Leon Drolet seconded by Frank A. Cusumano Jr. to approve meeting minutes from March 23, 2022 and closed session meeting minutes from March 23, 2022 as presented.

Vote Summary: (6 - 0 - 0)

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

Nays - None

Abstain - None

THE MOTION Passed.

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

There were no public comments.

CONSENT AGENDA ITEMS:

MOTION by Leon Drolet seconded by Peter J. Lucido III to approve the Consent Agenda items as presented.

Vote Summary: (6 - 0 - 0)

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

Nays - None

Abstain - None

THE MOTION Passed.

5. Water and Sewer Department

- a. Request to Approve the Purchase Requisition; Ferguson Waterworks (Water Meters/Customer Service Materials). \$10,935.22

- b. Request to Approve the Purchase Requisition; EJ USA Inc., (Water, Storm and Sewer Materials) \$14,130.16

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6. Engineering Department

- a. Request to Authorize the Supervisor to Sign Stormwater Facilities Operation and Maintenance Agreement for Premier Academy Daycare

7. Clerk's Office

- a. Request to attend the 2022 Michigan Association of Municipal Clerks Conference

8. Parks and Recreation Department

- a. Request to approve postage expense for the Spring/Summer 2022 R.E.A.C.H. Brochure
- b. Request to approve programs that will be listed in the Spring/Summer R.E.A.C.H. 2022 brochure

NEW BUSINESS:

ENGINEERING DEPARTMENT:

- 9. Request to Adopt Resolution No. 2 to Schedule Public Hearing No. 1 for the Chelsea Park Drive/Newcastle Court/Amsbury Drive Road Replacement Special Assessment District (SAD); SAD No. MA101-P

MOTION by Leon Drolet seconded by Peter J. Lucido III to Adopt Resolution No. 2 and Schedule Public Hearing No. 1 for May 11, 2022 for the Chelsea Park Drive/Newcastle Court/Amsbury Drive Road Replacement Special Assessment District (SAD); SAD No. MA101-P.

Vote Summary: (6 - 0 - 0)

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Ayes - Frank A. Cusumano Jr., Peter J. Lucido III, Nancy Nevers, Leon Drolet, Kristi Pozzi, Frank Viviano
Nays - None
Abstain - None

THE MOTION Passed.

SAD No. MA101-P
Chelsea Park Drive/Newcastle Court/Amsbury Drive Road Replacement

RESOLUTION NO. 2

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 April 6, 2022 at 6:30 P.M. Eastern Daylight Savings Time.

PRESENT: Viviano, Pozzi, Drolet, Cusumano, Lucido, Nevers
ABSENT: Oliver

The following preamble and resolution were offered by Member Drolet and supported by Member Lucido.

WHEREAS, a Petition has been filed with the Township Board signed by the record owners of lands constituting more than fifty (50%) percent of the frontages to be benefited by the road reconstruction project requested by the Petitioners and more particularly described in Exhibit "A" attached hereto and expressly made a part hereof; and

WHEREAS, the Township Board desires to proceed with the Petition pursuant to the provisions of Act 188, Public Acts of Michigan, 1954, as amended.

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

1. The Township Engineer has been requested to prepare plans showing the road reconstruction requested by the Petitioners, the location thereof and estimates of costs for the construction and installation thereof.
2. The Township Engineer has filed estimates with the Township Board.
3. The Township Board shall meet at the Township Hall located at 54111 Broughton Road, Macomb Township, Michigan 48042 on May 11, 2022 at 6:30 P.M., Eastern Daylight Savings Time, at which time and place the Township Board shall hear objections to the Petition heretofore filed, to the improvement to be constructed and installed, and the establishment of a special assessment district as proposed.

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4. The Township Clerk is hereby ordered to cause notice of the hearing to be published twice prior to the hearing in a newspaper of general circulation in the Township, the first publication to be at least ten (10) days before the hearing, and shall cause notice to be mailed by first class mail to all owners of or persons in interest in property in the special assessment district as shown on the current assessment rolls of the Township at least ten (10) full days before the date of the hearing.
5. The Notice shall be in substantially the following form:

**NOTICE OF HEARING ON ESTABLISHMENT OF
SPECIAL ASSESSMENT DISTRICT FOR ROAD RECONSTRUCTION
BY THE TOWNSHIP OF MACOMB**

TO THE OWNERS AND OTHERS INTERESTED IN THE FOLLOWING DESCRIBED PROPERTIES:

All lots along Chelsea Park Drive, Newcastle Court, and Amsbury Drive in the Chelsea Park Subdivision, Section 28, Macomb Township, including the following described parcels:

08-28-201-001	48983 Chelsea Park Dr	08-28-203-027	20020 Newcastle Ct.
08-28-201-002	48955 Chelsea Park Dr	08-28-203-028	20017 Newcastle Ct.
08-28-201-003	48927 Chelsea Park Dr	08-28-203-029	20049 Newcastle Ct.
08-28-201-004	48899 Chelsea Park Dr	08-28-203-030	20081 Newcastle Ct.
08-28-201-005	48693 Vintage Ln	08-28-203-031	20113 Newcastle Ct.
08-28-202-001	48972 Chelsea Park Dr	08-28-203-032	20145 Newcastle Ct.
08-28-202-002	48940 Chelsea Park Dr	08-28-203-033	20177 Newcastle Ct.
08-28-202-003	48751 Vintage Lane	08-28-203-034	20209 Newcastle Ct.
08-28-203-021	48521 Amsbury Dr	08-28-203-035	20241 Newcastle Ct.
08-28-203-022	48555 Amsbury Dr	08-28-203-036	48592 Amsbury Dr
08-28-203-023	48579 Amsbury Dr	08-28-203-037	48564 Amsbury Dr
08-28-203-024	20116 Newcastle Ct	08-28-203-038	48536 Amsbury Dr
08-28-203-025	20084 Newcastle Dr	08-28-203-039	48508 Amsbury Dr
08-28-203-026	20052 Newcastle Ct.		

PLEASE TAKE NOTICE that a Petition has been filed with the Township Board of the Township of Macomb signed by the record owners of the above described lands constituting more than fifty (50%) percent of the frontages to be benefited by the road improvements proposed by the Petition, and that the Township Board has tentatively declared its intention to make the improvements, particularly described as follows:

Full road reconstruction of Chelsea Park Drive from 22 Mile Road to Vintage Lane; Newcastle Court from Amsbury Drive to the end; and Amsbury Drive from Edinburg Drive to Newcastle Court; in Section 28, Macomb Township.

Plans and estimates have been prepared and are on file with the Township Clerk for public examination.

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TAKE FURTHER NOTICE that the Township Board will meet on May 11, 2022 at 6:30 P.M. at the Township Hall, 54111 Broughton Road, Macomb, MI 48042 for the purpose of hearing any objections to the Petition, the road reconstruction, and the creation of a special assessment district therefor.

Kristi L. Pozzi
Macomb Township Clerk

FIRST PUBLICATION: April 28, 2022
SECOND PUBLICATION: May 5, 2022

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

MOTION by Drolet seconded by Lucido to approve Resolution No. 2 for Chelsea Park Paving Special Assessment District.

Roll Call:

Ayes: Drolet, Lucido, Cusumano, Nevers, Pozzi, Viviano

Nays: None

Absent: Oliver

RESOLUTION DECLARED ADOPTED this 6th day of April, 2022.

HUMAN RESOURCES DEPARTMENT:

10. Request to Approve Position Description - Recreation Programmer I

MOTION by Kristi Pozzi seconded by Leon Drolet to Approve the position description for Recreation Programmer I

Vote Summary: (6 - 0 - 0)

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

Nays - None

Abstain - None

THE MOTION Passed.

PLANNING AND ZONING DEPARTMENT:

11. Conditional Rezoning; Residential Multiple Family, Low Density (R-2-L) to General

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Commercial (C-2); Located on the east side of Romeo Plank, 1/4 mile north of 23 Mile Road; Portion of Parcels #08-17-426-003 and #08-17-402-005 east of the river

MOTION by Leon Drolet seconded by Peter J. Lucido II to approve the Conditional Rezoning; Residential Multiple Family, Low Density (R-2-L) to General Commercial (C-2); Located on the east side of Romeo Plank, 1/4 mile north of 23 Mile Road; Portion of Parcels #08-17-426-003 and #08-17-402-005 east of the river.

Vote Summary: (6 - 0 - 0)

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

Nays - None

Abstain - None

THE MOTION Passed.

CLERK'S OFFICE:

12. Request to Adjust Election Inspector Compensation

MOTION by Leon Drolet seconded by Nancy Nevers to approve the election inspector compensation as presented.

Vote Summary: (6 - 0 - 0)

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

Nays - None

Abstain - None

THE MOTION Passed.

13. Request to Establish Polling Locations

MOTION by Leon Drolet seconded by Peter J. Lucido III to establish polling locations for use at all elections as presented.

Vote Summary: (6 - 0 - 0)

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

Nays - None

Abstain - None

THE MOTION Passed.

SUPERVISOR'S OFFICE:

14. Request to Adopt Resolution in Opposition to the Imposition of Highland Park's Water and Sewer Debt on Macomb Township Residents and Businesses

MOTION by Peter J. Lucido III seconded by Nancy Nevers to Adopt Resolution in Opposition to the Imposition of Highland Park's Water and Sewer Debt on Macomb Township Residents and Businesses

Vote Summary: (6 - 0 - 0)

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

Nays - None

Abstain - None

THE MOTION Passed.

**TOWNSHIP OF MACOMB
MACOMB COUNTY, MICHIGAN**

**RESOLUTION IN OPPOSITION TO THE IMPOSITION OF HIGHLAND PARK'S
WATER AND SEWER DEBT ON MACOMB TOWNSHIP RESIDENTS AND
BUSINESSES**

At the regular meeting of the Township Board of Macomb Township, Macomb County, Michigan, held at the Township Hall at 54111 Broughton, Macomb Township, MI 48042, on 6th day of April, 2022, commencing at 6:30 p.m.

Present: Viviano, Pozzi, Drolet, Cusumano, Lucido, Nevers

Absent: Oliver

The following Resolution was offered by Lucido and seconded by Nevers.

A. LEGISLATIVE FINDINGS OF FACT

WHEREAS, Great Lakes Water Authority (GLWA), formerly known as Detroit Water & Sewerage Department (DWSD), is a supplier of fresh potable water ("fresh water supply") and sanitary sewerage treatment ("sanitary sewer") provider to local units of government throughout southeastern Michigan; and

WHEREAS, MACOMB TOWNSHIP is a local unit of government that receives fresh water supply service directly from GLWA as a "primary" customer, for resale and distribution to its residents by way of long-term water supply contract; and,

WHEREAS, MACOMB TOWNSHIP is an indirect and/or "secondary" customer of sanitary sewer of GLWA through its primary customer, Macomb County Department of Public

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Works by and through the Macomb Interceptor Drain Drainage District (MIDDD) which then bills MACOMB TOWNSHIP monthly; and,

WHEREAS, the STATE OF MICHIGAN has had and continues to have a direct role in GLWA providing fresh water supply services and sanitary sewer service to the City of Highland Park (HIGHLAND PARK); and,

WHEREAS, in 2012 the STATE OF MICHIGAN requested the then DWSD, now GLWA, to provide emergency water services HIGHLAND PARK because the State of Michigan determined HIGHLAND PARK's water treatment plant was creating a public health risk to its residents; and,

WHEREAS, on November 12, 2012, the STATE OF MICHIGAN stated the repairs to the HIGHLAND PARK water treatment plant were to be completed in 3-4 days and, in the interim, fresh water supply and sanitary sewer service to HIGHLAND PARK was transferred and serviced by DWSD; and,

WHEREAS, neither the STATE OF MICHIGAN nor HIGHLAND PARK repaired the pertinent HIGHLAND PARK water treatment plant and it remains closed, inoperable and shuttered to this day; and

WHEREAS, GLWA's sanitary sewer treatment charges, by and through the MIDD, have and do include the HIGHLAND PARK sanitary sewer past due bills, some reduced to judgment, delinquent and bad debt, that are passed through to MACOMB TOWNSHIP for its respective share, and presented ostensibly as a "cost of service" attendant to the maintenance of the GLWA system under Michigan law; and,

WHEREAS, MACOMB TOWNSHIP's respective share, passed through from the MIDDD, for HIGHLAND PARK's debt for sanitary sewer charges is **\$960,300**; and,

WHEREAS, the HIGHLAND PARK has paid less than 1% of their fresh water services charges since 2012; and,

WHEREAS, since 2012 Highland Park has accumulated **\$54,233,700** in debt to GLWA for both fresh water and sanitary sewer services and should HIGHLAND PARK's delinquent payment pattern continue and projected usage levels remain constant, this debt will rise to **\$60,977,600** by the end of FY 2023; and,

WHEREAS, the HIGHLAND PARK's debt has now been allocated by the GLWA to the 87 other GLWA member communities, including MACOMB TOWNSHIP; and,

WHEREAS, of the **\$54,233,700** water and sanitary sewer debt HIGHLAND PARK has accumulated since 2012, **\$1,403,900** was already paid by MACOMB TOWNSHIP residents and its other water and sanitary sewer customers ostensibly billed as a "cost of service;" and,

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WHEREAS, of the **\$60,977,600** debt that will be accumulated by HIGHLAND PARK's refusal to pay their water and sanitary sewer bills by the end of 2023, a total of **\$1,581,420** will have been allocated to MACOMB TOWNSHIP to be paid by its residents and the other water and sewer customers serviced by it.

B. RESOLUTION

THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Macomb Township Board of Trustees hereby demands the State of Michigan and the Great Lakes Water Authority do not require Macomb Township and the 86 other paying member communities to pay for the City of Highland Park's debt to GLWA and declare that debt to be not due and owing both retroactively and prospectively.
2. Beginning July 1st, 2022, Macomb Township shall withhold payment of that portion of water and sewer costs attributable to Highland Park's non-payment and place those funds in escrow while a just settlement of this matter is pursued.
3. The Macomb Township Board of Trustees hereby requests the State of Michigan become directly involved in resolving this dispute.
4. The Macomb Township Board of Trustees calls on the State of Michigan to create a system in which debts of non-paying water and sewer customers can no longer be charged to paying customers.
5. The Macomb Township Board of Trustees hereby requests that its state legislators and Macomb County Commissioners prevail upon the State of Michigan to provide a resolution of this matter that includes reimbursement of the \$1,403,900 already paid by Macomb Township to cover nonpayment by the City of Highland Park.

Any and all resolutions in conflict herewith are repealed only to the extent necessary to give full force and effect to the foregoing provisions.

This Resolution is deemed severable. Should any provision, clause, word or sentence be deemed unenforceable, the remainder shall remain in full force and effect.

MOTION by Lucido seconded by Nevers to approve the above and foregoing resolution in opposition to the imposition of Highland Park's water and sewer debt on Macomb Township's residents and businesses.

Roll Call:

Ayes: Lucido, Nevers, Cusumano, Drolet, Pozzi, Viviano

Nays: None

Absent: Oliver

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RESOLUTION DECLARED ADOPTED this 6th day of April, 2022.

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

There were no public comments.

BOARD COMMENTS:

Trustees Comments

Trustees Lucido, Nevers and Cusumano offered comments regarding the Highland Park water and sewer debt resolution.

Treasurer Comments

Treasurer Drolet spoke about water rates and the Highland Park debt resolution.

Clerk Comments

Clerk Pozzi also commented on the Highland Park resolution adopted this evening and informed residents that they will receive an updated voter identification card in the mail with their new district, precinct and polling location information.

Supervisor Comments

Supervisor Viviano spoke of the need for state intervention to resolve the GLWA - Highland Park debt situation. He reminded residents that applications for the Clinton Macomb Public Library Board of Trustees position are due by April, 8, 2022; there will be a household hazardous waste collection event at Town Hall on April 9, 2022 and Town Hall will be closed on April 15, 2022.

ADJOURNMENT

MOTION by Leon Drolet seconded by Frank A. Cusumano Jr. to adjourn the April 6, 2022 Board meeting at 07:02 PM.

Vote Summary: (6 - 0 - 0)

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

Nay - None

Abstain - None

THE MOTION Passed.