

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

PRESENT: JANET DUNN, SUPERVISOR
KRISTI POZZI, CLERK
KAREN GOODHUE, TREASURER
TIMOTHY BUSSINEAU, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE
KATHY SMITH, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Thomas Esordi, Legal Counsel
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 introduced Matthew Mertens from Boy Scout Troop 391 who led the Pledge of Allegiance.

ROLL CALL

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

APPROVAL OF THE AGENDA

2. **MOTION by Pozzi seconded by Goodhue to approve the agenda as amended with the following add-on items; Item 5D2, Request to Approve Easement Agreement: 2020 Pathway Gap Closure Program, Item 5D3, Request to Approve Partial Site Development Bond Release for The Park at Legacy Estates Phase II, Item 5E2, Request for Personal Leave of Absence for Employee #2413, Item 11a, Request Permission to Execute Cost Sharing Agreement for Design and Construction Costs with Macomb County Department of Roads for 21 Mile Road Center Turn Lane Extension – West of Card Road, Item 16, Request to Purchase New Registration Software and move Item 7, Presentation by Senator MacDonald in Recognition of Firefighter Joseph Warne to appear before Item 6.**

Ayes: All

Nays: None

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 Bussineau to approve the bill runs in the amounts of \$460,631.42, \$52,285.33 and checks cut between meetings in the amount of \$516.51 for a total amount of \$513,433.26

Ayes: All

Nays: None

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on July 10, 2019 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by Goodhue seconded by Pozzi to approve the Minutes of 7/10/19 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. Clerk's Office:

1. Clerical Correction to IFT Resolution for Majestic Industries

B. Parks and Recreation Department:

1. Request Permission to Run Programs Listed in Fall 2019 R.E.A.C.H. Program Catalog
2. Request Permission to Mail Fall 2019 R.E.A.C.H. Program Catalog

C. Water and Sewer Department:

1. Easement Encroachment Agreement: Beacon Square Subdivision No. 3, Lot # 320, Parcel No. 08-28-425-004
2. Easement Encroachment Agreement: Villagio Subdivision, Lot # 13, Parcel No. 08-06-279-007
3. Easement Encroachment Agreement: Harmony Acres Subdivision, Lot #12, Parcel No. 08-16-273-002

D. Engineering Department:

1. Request to Approve Partial Site Development Bond Release for McDonald's Restaurant (Gratiot Avenue Location) in the Amount of \$53,177.50
2. Request to Approve Easement Agreement: 2020 Pathway Gap Closure Program (Parcel No. 08-17-451-014) in the Amount of \$6,111.00
3. Request to Approve Partial Site Development Bond Release for The Park at Legacy Estates Phase III in the Amount of \$376,659.70

E. Human Resources Department:

1. Request for Personal Leave of Absence for Employee #1078
2. Request for Personal Leave of Absence for Employee #2413

MOTION by Pozzi seconded by Goodhue to approve the Consent Agenda as earlier amended.

Ayes: All

Nays: None

MOTION carried.

PRESENTATION

7. Presentation by Senator MacDonald in Recognition of Firefighter Joseph Warne

Senator MacDonald and Representative Yaroch presented Firefighter Warne with a proclamation from the State of Michigan in recognition of his charitable fundraising efforts.

6. **Public Comments, Agenda Items Only**

Paul Ruggeri spoke regarding Item 15.
Neil Kaffenberger spoke regarding Items 8 and 15.
John Parkinson spoke regarding Item 15.
Kathy Western spoke regarding Items 8, 9 and 15.
Mark Grabow spoke regarding Item 15.

UNFINISHED BUSINESS

8. Nemeth Law PC Invoice (Postponed from July 10, 2019 Meeting)

MOTION by Nevers seconded by Krzeminski to Pay Nemeth Law PC Invoice.

Roll Call:

Ayes: Nevers, Krzeminski, Smith, Goodhue, Dunn

Nays: Bussineau, Pozzi

MOTION carried.

MOTION by Smith seconded by Pozzi to require outside legal services over \$5,000 be approved by the Board before services are rendered.

Roll Call:

Ayes: Smith, Pozzi, Bussineau

Nays: Krzeminski, Nevers, Goodhue, Dunn

MOTION failed.

9. Plante Moran Engagement letter for the 2019 Financial Audit
(Postponed from July 10, 2019 Meeting)

MOTION by Krzeminski seconded by Nevers to Authorize the Supervisor to Sign Professional Services Agreement for Auditing Macomb Township's Financial Statement for FY Ending June 30, 2019.

Ayes: All

Nays: None

MOTION carried.

NEW BUSINESS

PLANNING DEPARTMENT:

10. Request to Approve Final Plan; The Enclave at Legacy Estates; Located on the south side of 22 Mile Road, east of North Avenue; Section 25; Permanent Parcel 08-25-100-026

Township Engineer Jim VanTiflin reviewed this matter with the Board and recommended approval.

MOTION by Krzeminski seconded by Bussineau to Approve Final Plan; The Enclave at Legacy Estates; Located on the south side of 22 Mile Road, east of North Avenue; Section 25; Permanent Parcel 08-25-100-026.

Ayes: All

Nays: None

MOTION carried.

ENGINEERING DEPARTMENT:

11. Request to Sign Asset Transfer Agreement between Macomb Interceptor Drain Drainage District and Macomb Township

Township Engineer Jim Van Tiflin reviewed this matter with the Board and recommended approval.

MOTION by Krzeminski seconded by Nevers to Authorize Supervisor to Sign Asset Transfer Agreement between Macomb Interceptor Drain Drainage District and Macomb Township.

Ayes: All

Nays: None

MOTION carried.

- 11a. Request Permission to Execute Cost Sharing Agreement for Design and Construction Costs with Macomb County Department of Roads for 21 Mile Road Center Turn Lane Extension – West of Card Road

Township Engineer Jim Van Tiflin reviewed this matter with the Board and recommended approval.

MOTION by Pozzi seconded by Krzeminski to Execute Cost Sharing Agreement for Design and Construction Costs with Macomb County Department of Roads for 21 Mile Road Center Turn Lane Extension – West of Card Road.

Ayes: All

Nays: None

MOTION carried.

HUMAN RESOURCES DEPARTMENT:

12. Request Approval to Hire Purchasing Specialist

Human Resources Director Thomas Esordi reviewed this matter with the Board and recommended approval.

MOTION by Goodhue seconded by Nevers to Approve hiring Janet Solomon as Purchasing Specialist 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 August 12, 2019.

Ayes: All

Nays: None

MOTION carried.

GENERAL COUNSEL:

13. Request to Approve Amendment to Chapter 15 of the Code of Ordinances Regarding Limitations on Water Use

General Counsel Thomas Esordi reviewed this matter with the Board and recommended approval.

ORDINANCE 277

MACOMB TOWNSHIP, COUNTY OF MACOMB, STATE OF MICHIGAN ORDINANCE
IRRIGATION RESTRICTIONS: LIMITATIONS ON WATER USE ORDINANCE
AMENDMENT

An Ordinance to amend the Macomb Township Code regarding Chapter 15 – Sewers and Water, and specifically 15-59 regarding limitations on water use.

MACOMB TOWNSHIP ORDAINS:

Chapter 15, Sewers and Water and specifically Section 15-59 of Macomb Township Code shall be amended to include the following:

Sec. 15-59 – Violations and penalties.

- (g) Any person who disobeys, neglects, or refuses to comply with any provision of Section 15-59 or who causes, allows, or consents to any of the same shall be deemed to be responsible for a violation of Section 15-59 and the same shall be deemed to be a nuisance per se.
- (h) A violation of Section 15-59 is a municipal civil infraction, for which the fines shall not be less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
- (i) Each day during which any violation continues shall be deemed a separate offense.
- (j) In addition, the Township may seek injunctive relief against persons alleged to be in violation of Section 15-59, and such other relief as may be provided by law.
- (k) Violations of Section 15-59 shall be administered and enforced by the ordinance enforcement officer of the Township, Macomb County

Sheriff's Department or by such other person(s) as designated by the Township Board from time to time

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

This Ordinance shall take effect thirty (30) days after publication.

All other provisions of Article 15 shall remain in full force and effect.

ENACTMENT

This ordinance is declared to have been enacted by the Board of Trustees of Macomb Township at a meeting called and held on the 24th day of July, 2019, and ordered to be given publication in the manner prescribed by law.

MOTION by Krzeminski seconded by Pozzi to adopt Ordinance 277, an amendment to Chapter 15 of the Code of Ordinances regarding limitations on water use.

Roll Call:

Ayes: Krzeminski, Pozzi, Bussineau, Nevers, Smith, Goodhue, Dunn

Nays: None

Abstentions: None

Absent: None

ORDINANCE declared adopted this 24th day of July, 2019

14. Request to Adopt Resolution Requesting the State Tax Commission Revoke Industrial Facility Exemption Certificates 2016-066 and 2016-067

General Counsel Thomas Esordi reviewed this matter with the Board and recommended approval.

RESOLUTION TO REVOKE IFT CERTIFICATES AWARDED TO GLOBAL TOOLING SYSTEMS, LLC FOR THE REVOCATIONS AT 16445 23 MILE ROAD AND 51327 QUADRATE DRIVE, MACOMB, MICHIGAN 48042

Township of Macomb
County of Macomb, Michigan

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 July 24, 2019, at 7:00 P.M. Eastern Daylight Savings Time.

PRESENT: Dunn, Pozzi, Goodhue, Bussineau, Krzeminski, Nevers, Smith
ABSENT: None

The following preamble and Resolution were offered by Member Goodhue and supported by Member Nevers.

WHEREAS, the State Tax Commission issued two Industrial Facilities Tax Exemption Certificates (IFT's) to Global Tooling Systems, LLC for the locations at 16445 23 Mile Road, Macomb, MI 48042 and 51327 Quadrate Drive, Macomb, MI 48042; and

WHEREAS, the application for 16445 23 Mile Road indicated that there would be a 42,000 square foot addition to expand the building; and

WHEREAS, it has been two years since the certificate was issued and no plans have been submitted to the Township; and

WHEREAS, the certificate may be revoked pursuant to MCL 207.565 if the project has not been completed in a two-year time period from the issuance of certificate; and

WHEREAS, the property at 51237 Quadrate Drive, Macomb, MI 48042 was vacated by Global Tooling Systems, LLC; and

WHEREAS, the property at 51237 Quadrate Drive, Macomb, MI 48042 no longer qualifies for the IFT; and

NOW, THEREFORE, BE IT RESOLVED, the Township requests the State Tax Commission to revoke the IFT certificates issued to Global Tooling Systems, LLC for the locations at 16445 23 Mile Road and 51327 Quadrate Drive, Macomb, MI 48042;

MOTION by Goodhue seconded by Nevers to adopt the above and foregoing resolution.

Roll Call:

Ayes: Goodhue, Nevers, Bussineau, Krzeminski, Smith, Pozzi, Dunn

Nays: None

RESOLUTION declared adopted this 24th day of July, 2019.

TRUSTEES:

15. Discussion and Vote to Dissolve the Position of HR/General Counsel

Trustee Bussineau provided background for his request and recommended approval of dissolving the combined position of Human Resources Director and General Counsel.

MOTION by Smith seconded by Bussineau to Postpone this Item until August 14, 2019.
Ayes: All
Nays: None
MOTION carried.

PARKS AND RECREATION DEPARTMENT:

16. Request to Purchase New Registration Software

Parks and Recreation Director Sal DiCaro reviewed this matter with the Board and recommended approval.

MOTION by Krzeminski seconded by Pozzi to Approve the Purchase of New Registration Software from Rec Pro in the Amount of \$5,425.00 per year.
Ayes: All
Nays: None
MOTION carried.

Public Comments, Non-Agenda Items Only

Mark Grabow spoke regarding the Purchasing Policy and spending.

Paul Ruggeri spoke regarding a former trustee applying for and paying permit fees after work was performed at his home.

Joseph O'Connor informed the Board that fire dispatchers received layoff notices with an effective date of August 1, not Fall as earlier indicated by the Township. He asked the Board to postpone the layoffs from August 1st date.

Kathy Western discussed parliamentary procedures and entering into closed session to receive legal opinions.

John Parkinson inquired if the Human Resources Director/General Counsel is a public figure.

BOARD COMMENTS

Trustees Comments

Trustee Bussineau thanked those who spoke during public participation and spoke about the Building Department's quick response when informed work was being done without permits at a former Trustee's home.

Trustee Krzeminski offered the following motion:

MOTION by Krzeminski seconded by Nevers that Madam Chair create a committee to research putting a community center on the last piece of land in the Township Square.

Ayes: Krzeminski, Nevers, Smith, Goodhue, Pozzi, Dunn

Nays: Bussineau

MOTION carried.

Mr. Krzeminski also informed residents that tattered flags dropped off at Town Hall will be taken to VVA Chapter 154 for proper disposal and the 90 acres mentioned by a resident is not owned by the Township.

Treasurer Comments

Treasurer Goodhue spoke about summer tax bill collections and the positive response from residents taking advantage of the partial payment plan.

Clerk Comments

Clerk Pozzi talked about the Purchasing Policy and her desire to have all department heads follow the guidelines for expenditures over \$5,000.

Supervisor Comments

Supervisor Dunn provided an update regarding Grievance 19-001. The outside legal counsel retained by the Township has completed his investigation of the grievance. The investigation report is attorney/client material and not available to the public.

CLOSED SESSION

17. Written Legal Opinion Regarding Development and Zoning Issues
Closed Session Per MCL 15.268(h)

MOTION by Goodhue seconded by Krzeminski to Adjourn to Closed Session for the Purpose of Receiving a Written Legal Opinion Regarding Development and Zoning Issues.

Roll Call:

Ayes: Goodhue, Krzeminski, Nevers, Smith, Dunn

Nays: Bussineau, Pozzi

MOTION carried.

The Board adjourned to Closed Session at 8:15 p.m. and reconvened to Open Session at 8:47 p.m.

No action taken. Informational only.

ADJOURNMENT

MOTION by Krzeminski seconded by Bussineau to adjourn the Board meeting at 8:48 p.m.

Ayes: All

Nays: None

MOTION carried.

Respectfully submitted,

Janet I. Dunn
Macomb Township Supervisor

Kristi Pozzi
Macomb Township Clerk