



MACOMB TOWNSHIP *Michigan*

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES - APPROVED
WEDNESDAY, OCTOBER 23, 2019

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

Call Meeting to Order

Meeting was called to order by Supervisor Dunn at 7:00 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: Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

Absent:

2. Approval of Agenda Items (with any corrections)

MOTION by Kristi Pozzi seconded by Kathy Smith to approve the agenda as amended with the addition of Regular Agenda Items 16, Confirm Township Funding of Additional Liaison Officer at Dakota High School; Item 18, 2020 Tax Collection Agreements and Item 19 Oakland-Macomb Interceptor Drain, Extension and Improvement Project.

Vote Summary: (7 - 0 - 0)

Ayes - Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed.

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3. Approval of Bills

MOTION by Nancy Nevers seconded by Karen Goodhue to approve the bills as presented.

Vote Summary: (7 - 0 - 0)

Ayes - Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed.

4. Approval of Previous Meeting Minutes from October 9, 2019 and Closed Session Meeting Minutes from October 9, 2019

MOTION by Kristi Pozzi seconded by Tim Bussineau to approve meeting minutes from October 9, 2019 and closed session meeting minutes from October 9, 2019 as presented.

Vote Summary: (7 - 0 - 0)

Ayes - Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed.

CONSENT AGENDA ITEMS:

5. Water and Sewer Department

a. Request to Approve Easement Encroachment Agreement: Lot 54, West Park Estates Subdivision. Sidwell # 20-08-04-325-024

b. Request to Approve the Request to Release the Temporary Concrete Batch Plant Bond for Pinnacle Farms Subdivision, Section 24., (\$5,000.00) Restoration Bond

6. Engineering Department

a. Request to Approve Partial Site Development Bond Release for Quadrate Parcel C – 2018 Parking Lot Improvements (\$52,459.00)

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- b. Request to Approve Partial Site Development Bond Release for Glen Oaks Condominiums (\$125,676.00)
 - c. Request to Approve Partial Site Development Bond Release for Twin River Subdivision No. 2 (\$8,012.94)
 - d. Request to Approve Partial Site Development Bond Release for Macomb Assisted Living (\$394,182.84)
 - e. Request to Approve Final Site Development Bond Release for Brookridge Estates Site Condominiums (\$5,000.00)
7. Human Resources Department
- a. Request for Medical Leave of Absence for Employee #2406

MOTION by Karen Goodhue seconded by Kristi Pozzi to approve the Consent Agenda items as presented.

Vote Summary: (7 - 0 - 0)

Ayes - Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed.

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

Tom Sokol and Jim Gelios spoke regarding Item 8.

UNFINISHED BUSINESS:

8. Ethics Ordinance - Postponed from the September 25, 2019 Meeting

**MACOMB TOWNSHIP ORDINANCE NO. 278
MACOMB TOWNSHIP STANDARDS OF ETHICAL CONDUCT**

AN ORDINANCE TO ESTABLISH A STANDARD OF ETHICS FOR ALL PUBLIC SERVANTS OF MACOMB TOWNSHIP.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE TOWNSHIP OF MACOMB:

Sec. 1 - Title.

This Ordinance shall be known and shall be cited as the "Macomb Township Ethics Ordinance."

Sec. 2 - Purpose.

This Ordinance establishes standards of ethical conduct for all Township Public Officials and Employees (as defined below). It proscribes actions incompatible with the public interest. The intent of this ordinance is to be preventative.

Sec. 3 - Preamble.

Macomb Township residents and those conducting business in or with Macomb Township are entitled to fair, ethical and accountable government. Public Officials and Employees hold positions of public trust and their actions must remain above reproach, in furtherance of maintaining public confidence in the integrity of Macomb Township.

Sec. 4 - Responsibilities of Public Office.

Public Officials are bound to uphold the Constitution of the United States and the Constitution of the State and to carry out impartially and comply with the laws of the United States, State of Michigan, and the Township. Public Officials and Employees must not exceed their authority or breach the law or ask others to do so. Public Officials and Employees are bound to observe in their official acts the highest standards of ethical conduct and to discharge the duties of their offices faithfully, regardless of personal consideration, recognizing that their official conduct should be above reproach.

Michigan's State Constitution's oath of office requires all Public Officials to swear under oath to faithfully discharge the duties of their office. This is a "fiduciary duty" owed to all members of the Public. Public Officials must observe their fiduciary duties to the Township and the public, including the duty of loyalty and the duty of care. Effective township governance requires adherence to the ethical requirements provided by law and the faithful exercise of each Public Official's duty. All Public Officials and Employees shall safeguard public confidence by being honest, fair and respectful of all persons and property with whom they have contact, by maintaining non-partisanship in all official acts, and by avoiding official conduct which may tend to undermine respect for Public Officials and Employees and for the Township as an institution.

Sec. 5 - Definitions.

As used in this Ordinance, the following terms shall have the meanings ascribed to them:

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A. Appointee shall mean a person appointed to a compensated or uncompensated position in Township government that is not subject to a collective bargaining agreement, who is not elected to or holding office or holding an office that is subject to an election and whose appointment is subject to the approval of the Board of Trustees.

B. Board of Trustees shall mean the Macomb Township Board of Trustees comprised of the Supervisor, the Clerk, the Treasurer and four (4) Trustees.

C. Business Entity shall mean any agents, agency, contractors, vendors, or entities operated for economic gain, whether professional, industrial, or commercial, and whether established to produce or deal with a product or service, including but not limited to entities operated in the form of a corporation, limited liability company, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, activity or other entities which is organized for profit.

D. Confidential Information shall mean information obtained by a Public Official or Employee by reason of his or her position that is not available to members of the public pursuant to the Michigan Freedom of Information Act or other applicable laws, regulations, or procedures.

E. Conflict of Interest shall mean:

- a. The Public Official or Employee has any Pecuniary Interest in the outcome of a matter currently before the Township, or is associated as owner, member, partner, Official, employee, broker or stockholder in an enterprise that will be affected by the outcome of such matter, and such interest is or may be adverse to the public interest in the proper performance of said Public Official's or Employee 's governmental duties, or;
- b. The Public Official or Employee has reason to believe or expect that he or she will derive financial benefit or suffer a direct monetary loss, as the case may be, by reason of his or her official activity, or;
- c. The Public Official or Employee has any other prohibited interest as defined by state or federal law relating to conflicts of interest.

Employee shall mean an individual who is hired by the Township to provide Services on a continuing basis, whether full-time, part-time, temporary, intermittent, hourly, or via an employment contract.

F. Gift shall mean any gratuity, discount, entertainment, hospitality, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, travel, lodging, and honoraria for speaking engagements.

"Gift" does not include:

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1. Information-gathering trips paid for by a person or entity seeking approval of a proposal from a decision-making body of the Township, provided that the decision-making body, prior to the trip, makes all of the following determinations:
 - a. The information will be useful and material;
 - b. The trip will improve and not unduly influence the decisional process;
And,
 - c. The Board of Trustees designates the individual to participate.
2. Small perishable or consumable gifts of a nominal value, and any reportable campaign contributions pursuant to State Law.

G. Immediate Family Member shall mean Public Official's or Employee' spouse, parent, parent-in-law, step-parent, sibling, child, step-child or grandparent.

H. Pecuniary Interest means the opportunity, directly or indirectly, to profit or share in any profit derived from a transaction.

I. Public Official shall mean the Board of Trustees and Appointees.

J. Publicly Disclose shall mean to disclose in such a manner as to ensure all involved in considering the decision, action or contract are aware of the conflict of interest or other situation requiring disclosure and the nature of same.

K. Unethical Conduct shall mean a violation of any prohibited conduct as described in this Ordinance.

Sec. 6 - Prohibited conduct

No Public Official or Employee shall directly or indirectly, solicit or accept any gift of any person or organization, other than the Township, which tends to influence the manner in which the official or Employee or any other official or Employee performs his or her official duties.

Except as permitted by this ordinance, a Public Official or Employee shall not intentionally solicit or accept any Gift from any Business Entity.

This prohibition shall **not apply to**:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials.
3. A Gift received from an Immediate Family Member of the Public Official or Employee, provided that the Immediate Family Member is not acting as a third party's intermediary or an agent in an attempt to circumvent this ordinance.

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4. Acceptance of unsolicited advertising or promotional materials and other items of nominal intrinsic value.
5. Food or refreshments not exceeding \$75.00 in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared, or (ii) catered. For the purposes of this ordinance, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
6. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the duties of the Public Official or Employee, if the benefits have not been offered or enhanced because of the Public Official's or Employee's official position or employment and are customarily provided to others in similar circumstances.
7. Admission or registration fees, travel expenses, entertainment, lodging, meals or refreshments that are furnished to the Public Official or Employee: (i) by the sponsor(s) of an event, appearance or ceremony which is related to official Township business in connection with such an event, appearance or ceremony and to which one or more of the public are invited; or (ii) in connection with teaching, a speaking engagement or the provision of assistance to or service as a director, Official, board member, or committee member of an organization or another governmental entity as long as the Township does not compensate the Public Official or Employee for admission or registration fees, travel expenses, entertainment, meals or refreshments for the same activity; and are customarily provided to others in similar circumstances. If the event, ceremony, meeting, or conference is outside the state of Michigan, the Public Official or Employee shall obtain approval prior to attending from the Board of Trustees.
8. Anything for which the Public Official or Employee pays fair market value.
9. Any contribution that is lawfully made or event that is lawfully held under the Campaign Finance Laws of the State of Michigan.
10. Anything provided by an individual on the basis of a personal friendship unless the Public Official or Employee has reason to believe that, under the circumstances, the Gift was provided because of the Public Official's or Employee's official position or employment. In determining whether a Gift is provided on the basis of personal friendship, the Public Official or Employee shall consider the circumstances, under which the Gift was offered, such as: (i) the history of the relationship between the individual giving the Gift and the Public Official or Employee, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the Public Official or Employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the Public Official or Employee the individual who gave the gift also at the

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same time gave the same or similar gifts to other Public Officials and Employees.

11. If a friend of a Public Official or Employee offers to pay or agrees to pay for the Public Official's or Employee's travel outside the state, the Public Official or Employee shall obtain approval prior to that travel from the Board of Trustees.
12. Admission to a charitable or non-profit event or fundraiser when the Public Official or Employee is attending as a representative of the Township or for which other Public officials of other local governments have similarly been provided complimentary admission due to their status as governmental officials.
13. Admission to events honoring another public official or governmental official when the Public Official or Employee is attending as a representative of the Township or for which other public servants or officials of other local governments have similarly been provided complimentary admission due to their status as governmental officials.
14. Each of the exceptions listed in this Section is mutually exclusive and independent of every other.
15. The Public Official or Employee does not violate this Section if the Public Official or Employee promptly takes reasonable action to return the Gift. No Public Official or Employee shall divulge to any unauthorized person, confidential information acquired in the course of employment in advance of the time prescribed for its authorized release to the public. No Public Official or Employee shall represent his or her personal opinion as that of the Township.

Every Public Official or Employee shall use resources, property and funds under his or her official care and control solely in accordance with prescribed constitutional, statutory and regulatory procedures and not for personal gain or benefit.

- A. No Public Official or Employee shall engage in a business transaction in which he or she may profit because of his or her official position or authority or benefit financially from confidential information which he or she has obtained or may obtain by reason of such position or authority.
- B. No Public Official or Employee shall engage in or accept employment or render services for any Business Entity when that employment or service is incompatible or in conflict with the discharge of his or her official duties or when that employment may tend to impair his or her judgment or action in the performance of his or her official duties.
- C. No Public Official or Employee shall participate, as an agent or representative of the Township, in the negotiation or execution of contracts, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision, relating to any Business Entity in which he or she has, directly or indirectly, a financial or personal interest.
- D. No Public Official or Employee shall use, or attempt to use, his or her official

position to secure, request or grant unreasonably any special consideration, privilege, exemption, advantage, contract or preferential treatment for himself, herself, or others, beyond that which is available to every other citizen.

- E. No Public Official or Employee shall acquire any financial benefit in or accept any employment concerning any project which has been granted approval by the Township or any commission, board, department or Employee thereof within one year of the Public Official's or Employee's participation in any manner in considering or recommending the approval or disapproval of said project.
- F. No Public Official or Employee shall use his/her official position to unreasonably secure, request or grant, any privileges, exemptions advantages, contracts, or preferential treatment for himself / herself or others.
- G. A Public Official or Employee who acquires information in the course of his or her official duties, which by law or policy is confidential, shall not prematurely divulge that information to an unauthorized person, nor use the information to further the private interest of the Public Official or Employee or any third party. Information which is deemed exempt from disclosure under the Michigan Freedom of Information Act, Act 442, Public Acts of Michigan, 1976, or which is the subject of a duly called closed meeting held in accordance with the Michigan Open Meetings Act, Act 267, Public Acts of Michigan, 1976 is confidential.
- H. A Public Official or Employee shall not, solicit others to work on political campaign activities, or solicit campaign contributions from others, using Township property during working hours, on their behalf or on the behalf of another.

Sec. 7- Public Disclosure Requirements.

Any Public Official or Employee, with a Conflict of Interest (as defined herein) shall Publicly Disclose the Conflict of Interest.

Sec. 8 - Violation, Enforcement and Advisory Opinions.

A. Board of Ethics:

1. The Board of Trustees shall appoint a Board of Ethics, consisting of three members, as an advisory body for the purpose of interpreting this Ordinance and as otherwise defined herein ("Board of Ethics").
2. The initial three members of the Board of Ethics shall be appointed for one-, two-, and three-year terms of office respectively. Terms of office shall expire on

December 31st of the respective years. Thereafter, all members shall be appointed to three-year terms, beginning January 1, so that only one member's term expires each year. A member shall hold office until his or her successor is appointed. The Board of Trustees shall fill a vacancy by an appointment for the unexpired term only.

3. The Board of Ethics shall be made up of residents of the Township that the Board of Trustees determines to be the best qualified for this position.
 - a. The members of the Board of Ethics shall serve without compensation, and shall not otherwise be a Public Official or Employee.
 - b. The Board of Ethics shall select a presiding member from among the Board of Ethics members.
 - c. The Board of Trustees shall establish such procedures it deems necessary or appropriate for the Board of Ethics to perform its functions as set forth in this Ordinance.
 - d. After appointment to the Board of Ethics, each member of the Board of Ethics shall be considered an Appointee for purposes of this Ordinance.

B. Board of Ethics - Function:

When there is a question or a complaint as to the applicability of any provision of this Ordinance to a particular situation, that question or complaint shall be directed to the Board of Ethics. It shall then be the function of the Board of Ethics to deliberate and/or issue an advisory opinion, as applicable. The Board of Ethics will conduct itself pursuant to Rules of Procedure as established by the Board of Trustees.

C. Board of Ethics - Powers and Duties

The Board shall:

- A. Receive complaints concerning alleged unethical conduct by a Public Official or Employee from any person or entity, inquire into the circumstances surrounding the alleged unethical conduct, and make recommendations concerning individual cases to the Macomb Township Board of Trustees;
- B. Initiate investigations of practices that could affect ethical conduct of a Public Official or Employee.
- C. Hold public hearings.
- D. Issue and publish advisory opinions upon request from a Public Official, Employee or the Macomb Township Board of Trustees relating to matters affecting ethical conduct of a Public Officer or Employee.

Sec. 9 - Penalties

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After the Board of Ethics' advisory opinions and/or findings have been disclosed:

- A.** The Board of Trustees shall be responsible for imposing any sanctions for a violation of this Ordinance on the appropriate Public Official or Employee;
- B.** If it becomes necessary to seek the removal of a Public Official or Employee, after the Board of Ethics' advisory opinion and/or findings, the Township shall follow the requirements for removal in accordance with the laws of the State of Michigan; and;
- C.** The Board of Trustees shall be responsible for imposing any discipline for a violation of this Ordinance on any Public Official or Employee.
- D.** A Public Official or Employee who reports or is about to report a violation of this Ordinance shall not be subject to any of the following sanctions because they reported or were about to report such violation.
- (1) Dismissal from employment or office.
 - (2) Withholding of salary increases that are ordinarily forthcoming to the Employee.
 - (3) Withholding of promotions that are ordinarily forthcoming to the Employee.
 - (4) Demotion in employment status.
 - (5) Transfer of employment location.

Sec. 10 - Primacy of Collective Bargaining Agreements.

Nothing in this Ordinance shall be read or implied to supersede any provision of a collective bargaining agreement to which Macomb Township is a party.

Sec. 11 - Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect. This ordinance shall supersede any conflicting Township policies.

Sec. 12 - Severability.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Sec. 13 - Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the

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time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Sec.14 - Effective date.

The provisions of this Ordinance are hereby ordered to take effect upon publication in accordance with and in the manner prescribed by the Township of Macomb, Macomb County, Michigan. Any violations or complaints prior to the effective date of this ordinance shall not be enforceable.

Sec. 15 - Adoption.

MOTION by Nevers seconded by Goodhue that this ordinance is declared to have been enacted by the Board of Trustees of Macomb Township at a meeting called and held on the 23rd day of October, 2019, and ordered to be given publication in the manner prescribed by law.

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

Ayes - Nancy Nevers, Karen Goodhue, Tim Bussineau, Roger Krzeminski, Kathy Smith, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed. Ordinance is Adopted.

NEW BUSINESS:

WATER AND SEWER DEPARTMENT:

9. Request to Approve Payment to Dan's Excavating Inc., for the Water Main Repair Work Completed on 5/14/19 on North Avenue just south of 23 Mile Road (\$20,792.77)

Item presented by Water and Sewer Superintendent Gerry Wangelin.

MOTION by Kristi Pozzi seconded by Karen Goodhue to approve Payment to Dan's Excavating Inc., for the Water Main Repair Work Completed on 5/14/19 on North Avenue just south of 23 Mile Road.in the amount of \$20,792.77.

Vote Summary: (7 - 0 - 0)

Ayes - Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed.

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10. Request to Approve to the Contract Modification #1; 2019 Sanitary Sewer Rehabilitation Full Length and Sectional CIPP Lining. Total Net Change Amount (\$154,033.60) Project No. 0249-0163

Item presented by Water and Sewer Superintendent Gerry Wangelin.

MOTION by Roger Krzeminski seconded by Karen Goodhue to approve to the Contract Modification #1; 2019 Sanitary Sewer Rehabilitation Full Length and Sectional CIPP Lining. Total Net Change Amount (\$154,033.60) Project No. 0249-0163

Vote Summary: (7 - 0 - 0)

Ayes - Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed.

11. Request to Approve the Final Balancing Contract Modification #2: Country Club Drive & Luchtman Road, Sanitary Sewer CCTV Investigation. Total Net Change, Reduction (-\$140,422.28) Project No. 0249-0146

Item presented by Water and Sewer Superintendent Gerry Wangelin.

MOTION by Kristi Pozzi seconded by Nancy Nevers to approve the Final Balancing Contract Modification #2: Country Club Drive & Luchtman Road, Sanitary Sewer CCTV Investigation. Total Net Change, Reduction (-\$140,422.28) Project No. 0249-0146

Vote Summary: (7 - 0 - 0)

Ayes - Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed.

12. Request to Approve the Final Pay Estimate No. 6 & Balancing Contract Modification; Sanitary Sewer Cleaning, CCTV Investigation & FCIPP Lining For work performed through August 6th, 2019 Total Net Earnings for this period (\$13,166.52) Project No. 0249-0146

Item presented by Water and Sewer Superintendent Gerry Wangelin.

MOTION by Roger Krzeminski seconded by Kristi Pozzi to approve the Final Pay Estimate No. 6 & Balancing Contract Modification; Sanitary Sewer Cleaning, CCTV Investigation & FCIPP Lining For work performed through August 6th, 2019 Total Net Earnings for this period (\$13,166.52) Project No. 0249-0146

Vote Summary: (7 - 0 - 0)

Ayes - Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed.

13. Request to Approve the Construction Pay Estimate No. 5; 2019 Sanitary Sewer Cleaning, CCTV Investigation, for work performed through September 22nd, 2019. Total Net Earnings for this period, (\$94,496.85) Project No. 0249-0162

Item presented by Water and Sewer Superintendent Gerry Wangelin.

MOTION by Roger Krzeminski seconded by Karen Goodhue to approve the Construction Pay Estimate No. 5; 2019 Sanitary Sewer Cleaning, CCTV Investigation, for work performed through September 22nd, 2019. Total Net Earnings for this period, (\$94,496.85) Project No. 0249-0162

Vote Summary: (7 - 0 - 0)

Ayes - Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed.

FIRE DEPARTMENT:

14. Request to Purchase a LUCAS 3 Chest Compression System (\$20,125.12)

Item presented by Fire Chief Robert Phillips.

MOTION by Karen Goodhue seconded by Tim Bussineau to approve the purchase of a LUCAS 3 v3.1 Chest Compression System and four (4) year preventative maintenance agreement at a total cost of \$20,125.12.

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Vote Summary: (7 - 0 - 0)

Ayes - Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed.

Firefighter Marshall recently completed his probationary period and was presented his badge by Chief Phillips.

SUPERVISOR'S OFFICE:

15. Reappointment to Act 345 Pension Board

Item presented by Supervisor Dunn.

MOTION by Roger Krzeminski seconded by Nancy Nevers to reappoint Richard Maierle to the Act 345 Pension Board for a 4-year term ending 12/31/2023.

Vote Summary: (7 - 0 - 0)

Ayes - Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed.

16. Confirm Township Funding of Additional Liaison Officer at Dakota High School

Item presented by Supervisor Dunn.

MOTION by Kristi Pozzi seconded by Roger Krzeminski to confirm Township funding of the additional liaison officer at Dakota High School.

Vote Summary: (7 - 0 - 0)

Ayes - Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed.

CLERK'S OFFICE:

17. Request to Adopt Charitable Gaming License Resolution

Item presented by Records Manager Charles Pierce.

**LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
(Required by MCL.432.103(K)(ii))**

At a Regular meeting of the TOWNSHIP BOARD called to order by SUPERVISOR JANET DUNN on 10/23/19 at 7:00 p.m. the following resolution was offered:

Moved by POZZI and supported by GOODHUE that the request from Goodbye Toys Charity, Inc. in 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.

MOTION by Kristi Pozzi seconded by Karen Goodhue to adopt the Charitable Gaming License Resolution for Goodbye Toys Charity, Inc.

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

Ayes - Kristi Pozzi, Karen Goodhue, Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed. RESOLUTION is Adopted.

TREASURER'S OFFICE:

18. 2020 Tax Collection Agreements

Item presented by Treasurer Goodhue.

MOTION by Karen Goodhue seconded by Roger Krzeminski to approve the collection by the Macomb Township Treasurer the 2020 school taxes for the school districts of Utica, New Haven, Chippewa Valley and L'Anse Creuse pursuant to Public Act 333 of 1982 at \$1.75 per parcel.

Vote Summary: (7 - 0 - 0)

Ayes - Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

Nays - None

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Abstain - None

THE MOTION Passed.

19. Oakland-Macomb Interceptor Drain, Extension and Improvement Project

Item presented by Treasurer Goodhue

TOWNSHIP OF MACOMB
COUNTY OF Macomb, MICHIGAN

RESOLUTION

Minutes of a regular meeting of the Board of Trustees of the Township of Macomb, County of Macomb, State of Michigan, held in said Township on the 23rd day October, 2019, at 7:00p.m., Eastern Daylight Savings Time.

PRESENT: Board Members: Dunn, Pozzi, Goodhue, Bussineau, Krzeminski, Nevers, Smith

ABSENT: None

WHEREAS, pursuant to the petitions received by the Charter Township of Waterford, Oakland County, and the City of Sterling Heights, Macomb County (collectively, the "Petitions") requesting the Maintenance, Extension and Improvement of the Oakland-Macomb Interceptor Drain (the "Drain") pursuant to Section 535 of Michigan Public Act 40 of the Public Acts of 1956 ("Drain Code" or Act 40), as amended, MCL §280.535 and filed with the Director of the Michigan Department of Agriculture, proceedings have been carried out by the Augmented Drainage Board and Drainage Board for the Oakland-Macomb Interceptor Drain Drainage District (the "Drainage District") to acquire, finance, construct, improve, and replace certain wastewater facilities (the "Project") as set forth in Attachment A, and said Project having been determined to be necessary for the public health; and,

WHEREAS, on August 21, 2019, the Drainage Board for the Drainage District confirmed and adopted a Final Order of Apportionment and cost of the Project has been apportioned against the following public corporations in the counties of Oakland and Macomb as follows: (in Oakland County) City of Auburn Hills (4.9705%), Independence Township (includes City of Clarkston) (2.4213%), City of Lake Angelus (0.0185%), City of Rochester (1.9526%), City of Rochester Hills (8.1106%), Oakland Township (1.0393%), Orion Township (3.1494%), Oxford Township (1.2468%), Village of Lake Orion (0.3409%), Village of Oxford (0.5928%), Waterford Township (7.6159%), West Bloomfield Township (1.6414%); (in Macomb County) Chesterfield Township (4.7983%), City of Fraser (2.7237%), City of Sterling Heights (20.8080%), City of Utica (1.1036%), Clinton Township (14.1538%), Harrison Township (4.1556%), Lenox Township (0.6353%), Macomb Township (9.4344%), Shelby Township (6.6490%), Village of New Haven (0.5475%), and Washington Township (1.8907%) (the "Public Corporations"); and,

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WHEREAS, on September 18, 2019, the Drainage Board approved and adopted Oakland-Macomb Interceptor Drain Special Assessment Roll No. 1 Relating to Series 2019 Bonds with respect to the costs of the first segment of the Project not to exceed \$12,000,000, for the acquisition and capital payment to the Great Lakes Water Authority in accordance with the Final Order of Apportionment; and,

WHEREAS, pursuant to the authorization provided in Section 528 of Chapter 21 of the Drain Code (MCL §280.528), the Drainage Board of the Drainage District expects to provide for the issuance of one or more series of bonds to finance the costs of the Project, and the costs of issuance of such bonds, in anticipation of the collection of assessments to be made pursuant to the Drain Code, and to pledge the full faith and credit of the Drainage District for the prompt payment of the principal thereof and the interest thereon; and

WHEREAS, such bonds will be payable from the collection of special assessments against the Public Corporations, said special assessments to be duly confirmed as provided in the Drain Code; and

WHEREAS, prior to the issuance of said bonds for the first segment, the Drainage Board has notified the Township to permit, should the Township determine expedient, to prepay the assessment and avoid interest and finance charges associated with the anticipated 2019 bond issue for this Project segment; and,

WHEREAS, the Drainage Board has requested that the Township adopt a resolution and affirming its intention to prepay its 2019 drain assessment for this Project segment, and forward same by November 1, 2019, and make full payment of the assessment by December 1, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the Township hereby confirms that it will pay in full, its drain assessment in the amount of \$1,124,580.48 pursuant to the Oakland-Macomb Interceptor Drain 2019 Special Assessment Roll No. 1.

BE IT FURTHER RESOLVED that the City/Township Treasurer is directed to notify the Drainage Board for the Oakland-Macomb Interceptor Drain Drainage District by November 1, 2019 and of its intention to submit payment to the no later than December 1, 2019.

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

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

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

Ayes - Karen Goodhue, Roger Krzeminski, Tim Bussineau, Nancy Nevers, Kathy Smith, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed. RESOLUTION is Adopted.

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

Tom Sokol spoke about water and sewer rates.

John Parkinson spoke regarding a FOIA denial appeal.

Mr. and Mrs. Sumpter spoke regarding a concrete driveway issue related to the sidewalk replacement program.

Frank Cusumano inquired about millage and water rates.

Mark Grabow spoke about township property purchases and infrastructure issues.

BOARD COMMENTS:

Trustees Comments

Trustee Bussineau spoke about passage of the Ethics Ordinance and thanked those involved in the process.

Trustee Smith inquired about the appeal of FOIA 2019-211 and the process for acting on appeals before the Board.

MOTION by Roger Krzeminski seconded by Nancy Nevers to release the client township bill for the lawyer that did the independent investigation for the Township from last meeting and all documents.

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

Ayes - Karen Goodhue, Roger Krzeminski, Tim Bussineau, Nancy Nevers, Kathy Smith, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed.

Trustee Krzeminski reminded everyone to be safe this Halloween and to thank a veteran on Veterans' Day, November 11.

Treasurer Comments

Treasurer Goodhue gave an update on the Summer Tax collection and reminded residents delinquent water bills must be paid by October 31. After that date they will be placed on the tax roll with penalty.

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Clerk Comments

Clerk Pozzi thanked those involved with the successful Halloween Hoopla. The clerk inquired with the Board, Water and Sewer Department and Engineering Department on their availability to hold an informational meeting with residents at Town Hall to discuss water and sewer rates. The meeting will be conducted on Thursday November 14, 2019 at 6:00 p.m. in the Board Room at Town Hall. The Clerk gave an update on the positive response to the permanent vote-by-mail application list mailing and thanked those involved with developing the Ethics Ordinance.

Supervisor Comments

Supervisor Dunn responded to comments made by several residents during public participation.

CLOSED SESSION

20. Closed Session to Discuss Settlement of Pending Litigation - Macomb County Circuit Court Case No. 2019-003513-CZ. Closed Session per MCL 15.268(e)

MOTION by Roger Krzeminski seconded by Karen Goodhue to adjourn to Closed Session to discuss settlement of pending litigation - Macomb County Circuit Court Case No. 2019-003513-CZ at 8:19 PM.

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

Ayes - Roger Krzeminski, Karen Goodhue, Tim Bussineau, Nancy Nevers, Kathy Smith, Kristi Pozzi, Janet Dunn

Nays - None

Abstain - None

THE MOTION Passed.

The Board reconvened into Open Session at 9:01 PM. Informational only.

ADJOURNMENT

MOTION by Kristi Pozzi seconded by Roger Krzeminski to adjourn the October 23, 2019 Board meeting at 9:02 PM.

THE MOTION Passed.

Vote Summary: (7 - 0 - 0)

Aye - Tim Bussineau, Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen

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Goodhue, Kristi Pozzi, Janet Dunn
Nay - None
Abstain - None