



# MACOMB TOWNSHIP *Michigan*

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES - APPROVED  
WEDNESDAY, NOVEMBER 6, 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: Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn**

**Absent: Tim Bussineau**

2. Approval of Agenda Items (with any corrections)

**MOTION by Kristi Pozzi seconded by Roger Krzeminski to approve the agenda as amended with the addition of Consent Agenda Item 6g, Request to Approve Final Site Development Bond Release for Panagon Systems - Units 7 and 8 of Regency Commerce Center (\$74,069.80).**

**Vote Summary: (6 - 0 - 0)**

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

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

3. Approval of Bills

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

**Vote Summary: (6 - 0 - 0)**

**Ayes - 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 23, 2019 and Closed Session Meeting Minutes from October 23, 2019

**MOTION by Kristi Pozzi seconded by Roger Krzeminski to approve meeting minutes from October 23, 2019 and closed session meeting minutes from October 23, 2019 as presented.**

**Vote Summary: (6 - 0 - 0)**

**Ayes - 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 the Easement Encroachment Agreement; Misty Brook Estates Site Condominiums, Unit # 4  
Parcel No. 20-08-33-429-004
  - b. Request to Approve the Easement Encroachment Agreement; Castle Mar Subdivision, Lot #54 Parcel No. 20-08-15-446-021
  - c. Request to Approve the Easement Encroachment Agreement; Fairways of Macomb No. 2 Subdivision, Lot # 154 Parcel No. 20-08-15-403-001
6. Engineering Department

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- a. Request to Authorize the Supervisor to Sign Detention Basin Operation and Maintenance Agreement for Macomb Assisted Living
  - b. Request to Approve Partial Site Development Bond Release for Twin River Subdivision No. 2 (\$8,400.00)
  - c. Request to Approve Partial Site Development Bond Release for Hall Meadows Condominiums - Detached Units (\$24,652.80)
  - d. Request to Approve Partial Site Development Bond Release for Beyond Self Storage (\$16,099.61)
  - e. Request to Approve Partial Site Development Bond Release for Strathmore Site Condominiums II (\$33,824.21)
  - f. Request to Approve Final Site Development Bond Release for Christenbury Creek Site Condominiums (\$10,000.00)
  - g. **Proposed Add-On:** Request to Approve Final Site Development Bond Release for Panagon Systems - Units 7 & 8 of Regency Commerce Center (\$74,069.80)
7. Human Resources Department
- a. Request for Family & Medical Leave of Absence Employee #131
8. Clerk's Office
- a. Request to Approve the 2020 Meeting Calendar
9. Parks and Recreation Department
- a. Michigan Recreation and Parks Association Conference request for \$2,500
10. Assessing Department
- a. Request Authorization to Attend Continuing Education Class

**MOTION by Roger Krzeminski seconded by Karen Goodhue to approve the Consent Agenda items as presented.**

**Vote Summary: (6 - 0 - 0)**

**Ayes - Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi,**

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**Janet Dunn**  
**Nays - None**  
**Abstain - None**

**THE MOTION Passed.**

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

There were no public comments.

**NEW BUSINESS:**

**ENGINEERING DEPARTMENT:**

11. Request to Approve Release of Detention Basin Operation and Maintenance Agreement for Macomb Assisted Living

Item presented by Township Engineer James Van Tiflin.

**MOTION by Karen Goodhue seconded by Roger Krzeminski to approve Release of Detention Basin Operation and Maintenance Agreement for Macomb Assisted Living.**

**Vote Summary: (6 - 0 - 0)**

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

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

12. Request to Approve Release of Easement for Municipal Utilities for Macomb Assisted Living

Item presented by Township Engineer James Van Tiflin.

**MOTION by Roger Krzeminski seconded by Nancy Nevers to approve Release of Easement for Municipal Utilities for Macomb Assisted Living.**

**Vote Summary: (6 - 0 - 0)**

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**Ayes - Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn**  
**Nays - None**  
**Abstain - None**

**THE MOTION Passed.**

13. Request to Sign Quit Claim Deed for Right-of-Way Dedication Along the Frontage of a Vacant 22 Mile Road Property (Parcel No. 08-22-400-041) for Macomb County Department of Roads

Item presented by Township Engineer James Van Tiflin.

**MOTION by Roger Krzeminski seconded by Kathy Smith to authorize Supervisor to Sign Quit Claim Deed for Right-of-Way Dedication Along the Frontage of a Vacant 22 Mile Road Property (Parcel No. 08-22-400-041) for Macomb County Department of Roads**

**Vote Summary: (6 - 0 - 0)**

**Ayes - Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn**  
**Nays - None**  
**Abstain - None**

**THE MOTION Passed.**

**PLANNING AND ZONING DEPARTMENT:**

14. Request to Approve Final Plat; Twin Rivers Subdivision #2; Located on the north side of Hall Road, 1/4 mile east of Romeo Plank Road; Section 33; Permanent Parcel #08-33-376-020

Item presented by Township Engineer James Van Tiflin.

**MOTION by Roger Krzeminski seconded by Kristi Pozzi to approve Final Plat; Twin Rivers Subdivision #2; Located on the north side of Hall Road, 1/4 mile east of Romeo Plank Road; Section 33; Permanent Parcel #08-33-376-020.**

**Vote Summary: (6 - 0 - 0)**

**Ayes - Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn**  
**Nays - None**  
**Abstain - None**

**THE MOTION Passed.**

15. Request to Approve General Design Plan; Deerbrook PUD; Permanent Parcel 08-17-300-013, 08-14-400-012; Located on the north side of 23 Mile Road, 1/2 mile east of Card Road; Section 14; 23 Mile Acquisitions, LLC, Petitioner

Item presented by Township Engineer James Van Tiflin.

**MOTION by Kristi Pozzi seconded by Roger Krzeminski to approve General Design Plan; Deerbrook PUD; Permanent Parcel 08-17-300-013, 08-14-400-012; Located on the north side of 23 Mile Road, 1/2 mile east of Card Road; Section 14; 23 Mile Acquisitions, LLC, Petitioner.**

**Vote Summary: (6 - 0 - 0)**

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

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

16. Request to Approve Preliminary Plan for Deerbrook Site Condominium; Permanent Parcel 08-14-300-013 and 08-14-400-012; Located on the north side of 23 Mile Road; 1/2 mile east of Card Road; Section 14; 23 Mile Acquisitions, LLC, Petitioner

Item presented by Township Engineer James Van Tiflin.

**MOTION by Roger Krzeminski seconded by Nancy Nevers to approve Preliminary Plan for Deerbrook Site Condominium; Permanent Parcel 08-14-300-013 and 08-14-400-012; Located on the north side of 23 Mile Road; 1/2 mile east of Card Road; Section 14; 23 Mile Acquisitions, LLC, Petitioner.**

**Vote Summary: (6 - 0 - 0)**

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

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

**FINANCE DEPARTMENT:**

17. Macomb Interceptor Drain Drainage District (MIDDD) Clintondale Pump Station  
Improvements Drainage District Refunding Bonds Series 2020

Item presented by Finance Director Stacy Smith.

Macomb Township  
County of Macomb, State of Michigan

RESOLUTION APPROVING  
CONTINUING DISCLOSURE UNDERTAKING  
FOR THE MACOMB INTERCEPTOR DRAIN DRAINAGE DISTRICT  
CLINTONDALE PUMP STATION IMPROVEMENTS DRAINAGE DISTRICT  
REFUNDING BONDS, SERIES 2020

WHEREAS, the Macomb Interceptor Drain Drainage District (the "Drainage District"), pursuant to the provisions of Act 40, Public Acts of Michigan, 1956, as amended (the "Drain Code"), intends to issue its Clintondale Pump Station Improvements Drainage District Refunding Bonds, Series 2020 (the "Bonds"), to pay the costs of refunding the Drainage District's outstanding Clintondale Pump Station Improvements Drainage District Bonds, Series 2011, dated November 18, 2011, in order to achieve interest rate savings; and

WHEREAS, pursuant to the Drain Code, the Bonds will be payable from installments of special assessments and the interest thereon against public corporations in the Drainage District, including assessments payable by Macomb Township (the "Township"); and

WHEREAS, in order to market the Bonds to potential purchasers, the Drainage District will prepare a preliminary and a final official statement describing the Bonds (the "Official Statement") including numerical financial information and operating data of the Drainage District, the County of Macomb, the Township and other benefited municipalities; and

WHEREAS, in order to enable the purchasers of the Bonds to comply with the requirements of Rule 15c2-12, as amended, promulgated by the Securities and Exchange Commission ("SEC Rule 15c2-12"), the Township is obliged to undertake continuing disclosure obligations.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Supervisor, Clerk and Treasurer of the Township are each individually authorized to cooperate with the Drainage District in preparation of the Official Statement. The Township hereby agrees to undertake continuing disclosure in order to enable the purchasers of the Bonds to comply with the requirements of SEC Rule 15c2-12, and the Supervisor, Clerk, and Treasurer of the Township are each individually authorized to execute a Continuing Disclosure Undertaking on behalf of the Township in essentially the

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form attached hereto as Exhibit A, with such changes as may be required to conform the Continuing Disclosure Undertaking to the financial information and operating data contained in the Official Statement and the requirements of SEC Rule 15c2-12.

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

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the Board of Trustees of Macomb Township, County of Macomb, State of Michigan, at a regular meeting held on November 6, 2019 at 7:00 p.m. prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present at said meeting: Dunn, Pozzi, Goodhue, Krzeminski, Nevers, Smith and that the following Members were absent: Bussineau.

I further certify that Member Krzeminski moved for adoption of said resolution and that Member Goodhue supported said motion.

I further certify that the following Members voted for adoption of said resolution: Krzeminski, Goodhue, Nevers, Smith, Pozzi, Dunn and that the following Members voted against adoption of said resolution: None

**EXHIBIT A**

MACOMB TOWNSHIP  
County of Macomb, State of Michigan

CONTINUING DISCLOSURE UNDERTAKING

This Continuing Disclosure Undertaking (the "Undertaking") is executed and delivered by Macomb Township, County of Macomb, State of Michigan (the "Township"), in connection with the issuance by the Macomb Interceptor Drain Drainage District of the Drainage District Refunding Bonds, Series 2020 (the "Bonds") being dated and delivered on the date hereof. The Township is an "obligated person" with respect to the Bonds within the meaning of Rule 15c2-12 promulgated by the SEC pursuant to the Securities Exchange Act of 1934, as amended.

The Township covenants and agrees for the benefit of the Bondholders, as hereinafter defined, as follows:



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(a) *Definitions.* The following terms used herein shall have the following meanings:

“Audited Financial Statements” means the biennial audited financial statements pertaining to the Township prepared by an individual or firm of independent certified public accountants as required by Act 2, Public Acts of Michigan, 1968, as amended, which presently requires preparation in accordance with generally accepted accounting principles.

“Bondholders” shall mean the registered owner of any Bond or any person (a) with the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bond (including any person holding a Bond through a nominee, depository or other intermediary) or (b) treated as the owner of any Bond for federal income tax purposes.

“EMMA” shall mean the MSRB’s Electronic Municipal Market Access District, or such other District, Internet Web site, or repository hereafter prescribed by the MSRB for the submission of electronic filings pursuant to the Rule.

“Financial Obligation” means “financial obligation” as such term is defined in the Rule.

“MSRB” means the Municipal Securities Rulemaking Board.

“Rule” means Rule 15c2-12 promulgated by the SEC pursuant to the Securities Exchange Act of 1934, as amended, as in effect on the date of this Undertaking, including any official interpretations thereof issued either before or after the date of this Undertaking which are applicable to this Undertaking.

“SEC” means the United States Securities and Exchange Commission.

(b) *Continuing Disclosure.* The Township hereby agrees, in accordance with the provisions of the Rule, to provide or cause to be provided to the MSRB through EMMA, on or before the last day of the 6th month after the end of the fiscal year of the Township, the following annual financial information and operating data or data of substantially the same nature, commencing with the fiscal year ended June 30, 2020, in an electronic format as prescribed by the MSRB:

(1) Updates of the numerical financial information and operating data included in the official statement for the Bonds (the “Official Statement”) appearing in the Tables in the Official Statement as described below:

[a. Appendix \_\_ - History of Valuations;

b. Appendix \_\_ - Tax Rates;

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- c. Appendix \_\_ - Tax Levies and Collections; and
- d. Appendix \_\_ - Debt Statement – Direct Debt.]

(2) The Audited Financial Statements which the Township will file biennially, provided, however, that if the Audited Financial Statements are not available by the last day of the 6th month after the end of the fiscal year for which the Township is required to have Audited Financial Statements prepared, then they shall be provided when available, and unaudited financial statements will be filed by such date.

(3) Such additional financial information or operating data as may be determined by the Township and its advisors as desirable or necessary to comply with the Rule.

Such annual financial information and operating data described above are expected to be provided directly by the Township or by specific reference to documents available to the public through EMMA or filed with the SEC including official statements of debt issues of the Township or related public entities.

If the fiscal year of the Township is changed, the Township shall send a notice of such change to the MSRB through EMMA, prior to the earlier of the ending date of the fiscal year prior to such change or the ending date of the fiscal year as changed.

(c) *Notice of Failure to Disclose.* The Township agrees to provide or cause to be provided, in a timely manner, to the MSRB through EMMA, in an electronic format as prescribed by the MSRB, notice of a failure by the Township to provide the annual financial information with respect to the Township described in subsection (b) above on or prior to the dates set forth in subsection (b) above.

(d) *Occurrence of Events.* The Township agrees to provide or cause to be provided to the MSRB through EMMA, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events listed in (b)(5)(i)(C) of the Rule with respect to the Bonds:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;

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- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) modifications to rights of holders of the Bonds, if material;
- (8) bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar event of the Township, which is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Township in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Township, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Township;
- (13) the consummation of a merger, consolidation, or acquisition involving the Township or the sale of all or substantially all of the assets of the Township, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) incurrence of a Financial Obligation of the Township, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Township, any of which affect security holders, if material; or
- (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the Township, any of which reflect financial difficulties.

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- (e) *Materiality Determined Under Federal Securities Laws.* The Township agrees that its determination of whether any event listed in subsection (d) is material shall be made in accordance with federal securities laws.
- (f) *Identifying Information.* All documents provided to the MSRB through EMMA shall be accompanied by the identifying information prescribed by the MSRB.
- (g) *Termination of Reporting Obligation.* The obligation of the Township to provide annual financial information and notices of material events, as set forth above, shall be terminated if and when the Township no longer remains an “obligated person” with respect to the Bonds within the meaning of the Rule, including upon legal defeasance of all Bonds.
- (h) *Benefit of Bondholders.* The Township agrees that its undertaking pursuant to the Rule set forth in this Undertaking is intended to be for the benefit of the Bondholders and shall be enforceable by any Bondholder; provided that, the right to enforce the provisions of this Undertaking shall be limited to a right to obtain specific enforcement of the Township’s obligations hereunder and any failure by the Township to comply with the provisions of this Undertaking shall not constitute a default or an event of default with respect to the Bonds.
- (i) *Amendments to the Undertaking.* Amendments may be made in the specific types of information provided or the format of the presentation of such information to the extent deemed necessary or appropriate in the judgment of the Township, provided that the Township agrees that any such amendment will be adopted procedurally and substantively in a manner consistent with the Rule, including any interpretations thereof by the SEC, which, to the extent applicable, are incorporated herein by reference. Such interpretations currently include the requirements that (a) the amendment may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Township or the type of activities conducted thereby, (b) the undertaking, as amended, would have complied with the requirements of the Rule at the time of the primary offering of the Bonds, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances, and (c) the amendment does not materially impair the interests of Bondholders, as determined by parties unaffiliated with the Township (such as independent legal counsel), but such interpretations may be changed in the future. If the accounting principles to be followed by the Township in the preparing of the Audited Financial Statements are modified, the annual financial information for the year in which the change is made shall present a comparison between the financial statements as prepared on the prior basis and the statements as prepared on the new basis, and otherwise shall comply with the requirements of the Rule, in order to provide information to investors to enable them to evaluate the ability of the Township to meet its obligations. A notice of the change in accounting

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principles shall be sent to the MSRB through EMMA.

**MOTION by Roger Krzeminski seconded by Karen Goodhue to adopt and sign the attached resolution approving continuing disclosure undertaking for the Macomb Interceptor Drain Drainage District Clintondale Pump Station Improvements Drainage District Refunding Bonds, Series 2020**

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

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

**Nays - None**

**Abstain - None**

**THE RESOLUTION was adopted.**

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

Dave Piper announced the Historical Commission historic photograph scanning event on November 23rd has been cancelled and will be rescheduled.

John Parkinson thanked the Board for voting to reverse the denial of records related to the Kirk, Huth, Lange and Badalamenti, PLC invoice.

**BOARD COMMENTS:**

Trustees Comments

Trustee Nevers thanked all veterans for their service.

Trustee Smith asked for an update regarding the Ethics Board application process and clarification on the process for filling the vacant Planning Director position.

Trustee Krzeminski thanked residents who brought old flags to township hall for proper disposal. He asked Chief Phillips if construction of the new fire station is on schedule and the Chief responded that it will open as scheduled in October 2020. He also thanked all veterans for their service.

Treasurer Comments

Treasurer Goodhue reminded residents of the November 14, 2019 Townhall Meeting at 6:00 p.m. to discuss water and sewer rates.

Clerk Comments

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Clerk Pozzi spoke about the new agenda management software now in use for the Board of Trustees and plans to transition the Planning Commission and Zoning Board of Appeals to the software as well.

Supervisor Comments

Supervisor Dunn spoke about the October 6th shread/electronic recycling event at which 227 residents participated. Future events will include a hazardous materials drop-off event in Spring 2020 and another recycling event in the Fall.

**ADJOURNMENT**

**MOTION by Roger Krzeminski seconded by Nancy Nevers to adjourn the November 6, 2019 Board meeting at ~~08:31 PM.~~ 07:31 PM.**

**Vote Summary: (6 - 0 - 0)**

**Aye - Roger Krzeminski, Nancy Nevers, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn**

**Nay - None**

**Abstain - None**

**THE MOTION passed.**