



MACOMB TOWNSHIP *Michigan*

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES
TUESDAY, NOVEMBER 24, 2020

LOCATION: AUDIO CONFERENCE

Call Meeting to Order

Meeting was called to order by Supervisor Viviano 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: Frank A. Cusumano Jr., Peter J. Lucido III, Nancy J. Nevers, Charles Oliver, Leon Drolet, Kristi L. Pozzi, Frank J. Viviano

Absent:

2. Approval of Agenda Items (with any corrections)

MOTION by Leon Drolet seconded by Peter J. Lucido III to approve the agenda as amended with the addition of New Business Item 23, Resolution to Dissolve Human Resources Director-Legal Counsel Position; Item 24, Request to Initiate Recruitment for Human Resources Director; Item 25, Authorize the Purchasing Specialist to execute RFP for Legal Counsel; Item 26, Authorize the Supervisor to hire Interim Legal and Item 28, Purchase 7 new Microsoft Surface Laptop computers for the building inspectors (\$8,787.57).

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

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

Nays - None

Abstain - None

THE MOTION Passed.

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3. Approval of Bills

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

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

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

Nays - None

Abstain - None

THE MOTION Passed.

4. Approval of Previous Meeting Minutes from November 10, 2020

MOTION by Kristi L. Pozzi seconded by Leon Drolet to approve meeting minutes from November 10, 2020 as presented.

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

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

Nays - None

Abstain - None

THE MOTION Passed.

CONSENT AGENDA ITEMS:

5. Water and Sewer Department

- a. Easement Encroachment Agreement; Hidden Meadows Subdivision, Lot #9 Parcel No. 20-08-26-352-009
- b. Request to Approve to Pay the Community Public Water Supply Annual Fee 2021. (\$17,875.36)
- c. Request to Approve to Pay the Purchase Requisition No. 20-001892; Ferguson Waterworks, for customer installation & meters. (\$34,200.00)

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- d. Easement Encroachment Agreement; Rockwood Subdivision No. 2, Parcel No. 20-08-28-395-008
 - e. Easement Encroachment Agreement; Lot 9, Hidden Meadows Subdivision, Parcel No. 20-08-26-352-009
6. Engineering Department
- a. Request to Approve Easement Agreement: 2021 Pathway Gap Closure Program (Parcel No. 08-36-251-005)
 - b. Request to Approve Easement Agreement: 2021 Pathway Gap Closure Program (Parcel No. 08-22-400-008)
 - c. Request to Approve Easement Agreement: Macomb Corners Park/Civic Center Pathway (Parcel No. 08-09-200-007)
 - d. Request to Approve Partial Site Development Bond Release for Ottasea 1 (\$35,077.25)
 - e. Request to Approve Partial Site Development Bond Release for Unit 10 of Regency Commerce Center (\$127,056.00)
 - f. Request to Approve Final Site Development Bond Release for Niko's Import/Export Warehouse (Units 17, 18, and 19 of Regency Commerce Center) (\$149,609.00)
7. Human Resources Department
- a. Request for Personal Leave of Absence - Fire Department EE# 1108
 - b. Request for Family & Medical Leave of Absence - Employee # 1659
8. Parks and Recreation Department
- a. 2021 Winter R.E.A.C.H. Programs

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

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

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

Nays - None
Abstain - None

THE MOTION Passed.

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

Kim Hemme offered her best wishes to the Board and Jim Gelios spoke regarding Item 23.

PUBLIC HEARING:

9. Public Hearing and Resolution Adoption for Street Lighting Special Assessment District for Brookridge Estates Site Condominium

Supervisor Viviano opened the public hearing at 7:09 PM and closed public hearing at 7:10 PM. There were no public comments.

Street Lighting Brookridge Estates Site Condominium

**RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT**

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 **November 24, 2020**, at 7:00 P.M., Eastern Standard Time.

PRESENT: Viviano, Pozzi, Drolet, Cusumano, Lucido, Nevers, Oliver
ABSENT: None

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

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

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WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

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

1. It is hereby directed that a street light or lights shall be installed at Brookridge Estates Site Condominium, which will illuminate streets, serving and benefiting the unit(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the unit (s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or unit (s) so described in direct proportion to the benefit conferred.

3. The annual electrical service charge is Nine Hundred Ninety-Three dollars and 84/100 (\$993.84). Three times the annual cost is Two Thousand Nine Hundred Eighty-One dollars and 52/100 (\$2,981.52). Total project cost is Twenty-One Thousand One Hundred Fifty-Five dollars and 52/100 (\$21,155.52). The petitioner contribution amount is Eighteen Thousand One Hundred Seventy-Four dollars and 00/100 (\$18,174.00). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

MOTION by Drolet seconded by Pozzi that the above and foregoing resolution for street lighting for Brookridge Estates be adopted.

Roll Call:

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

Nays: None

RESOLUTION DECLARED ADOPTED this 24th day of November 2020.

10. Public Hearing and Resolution Adoption for Street Lighting Special Assessment District for Enclave at Legacy Estates - Phase III

Supervisor Viviano opened the public hearing at 7:11 PM and closed the public hearing at 7:12 PM. There were no public comments.

Street Lighting Enclave at Legacy Estates – Phase III

**RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT**

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 November 10, 2020, at 7:00 P.M., Eastern Standard Time.

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

ABSENT: None

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

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

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

1. It is hereby directed that a street light or lights shall be installed at Enclave at Legacy Estates – Phase III, which will illuminate streets, serving and benefiting the unit (s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the unit(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or unit(s) so described in direct proportion to the benefit conferred.

3. The annual electrical service charge is One Thousand Nine Hundred Ninety-Six dollars and 80/100 (\$1,996.80). Three times the annual cost is Five Thousand Nine Hundred Ninety dollars and 40/100 (\$5,990.40). Total project cost is Thirty-Six Thousand

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Four Hundred Seventy dollars and 60/100 (\$36,470.60). The petitioner contribution amount is Thirty Thousand Four Hundred Eighty dollars and 20/100 (\$30,480.20). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

MOTION by Pozzi seconded by Drolet that the above and foregoing resolution for street lighting for The Enclave at Legacy Estates Phase III be adopted.

Roll Call:

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

Nays: None

RESOLUTION DECLARED ADOPTED this 24th day of November 2020.

11. Public Hearing and Resolution Adoption for Street Lighting Special Assessment District for Stillwater Crossing Site Condominiums - Phase 2

Supervisor Viviano opened the public hearing at 7:13 PM and closed the public hearing at 7:13 PM. There were no public comments.

Street Lighting Stillwater Crossing Site Condominiums – Phase 2

**RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT**

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 November 24, 2020, at 7:00 P.M., Eastern Standard Time.

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

ABSENT: None

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

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or

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lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

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

1. It is hereby directed that a street light or lights shall be installed at Stillwater Crossing Site Condominiums – Phase 2, which will illuminate streets, serving and benefiting the unit(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the unit(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or unit(s) so described in direct proportion to the benefit conferred.

3. The annual electrical service charge is Two Thousand Nine Hundred Ninety-Five dollars and 20/100 (\$2,995.20). Three times the annual cost is Eight Thousand Nine Hundred Eighty-Five dollars and 60/100 (\$8,985.60). Total project cost is Fifty-Three Thousand Eight Hundred Ninety-Seven dollars and 56/100 (\$53,897.56). The petitioner contribution amount is Forty-Four Thousand Nine Hundred Eleven dollars and 96/100 (\$44,911.96). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

MOTION by Oliver seconded by Lucido that the above and foregoing resolution for street lighting for The Enclave at Stillwater Crossing Phase 2 be adopted.

Roll Call:

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

Nays: None

RESOLUTION DECLARED ADOPTED this 24th day of November 2020.

12. Public Hearing and Resolution Adoption for Street Lighting Special Assessment District for Villas of Villagio Condominium

Supervisor Viviano opened the public hearing at 7:15 PM and closed the public hearing at 7:15 PM. There were no public comments.

Street Lighting Villas of Villagio Condominium

**RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT**

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 **November 24, 2020**, at 7:00 P.M., Eastern Standard Time.

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

ABSENT: None

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

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

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

1. It is hereby directed that a street light or lights shall be installed at Villas of Villagio Condominium, which will illuminate streets, serving and benefiting the unit (s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the unit(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or unit (s) so

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described in direct proportion to the benefit conferred.

3. The annual electrical service charge is One Thousand Seven Hundred Forty-Seven dollars and 20/100 (\$1,747.20). Three times the annual cost is Five Thousand Two Hundred Forty-One dollars and 60/100 (\$5,241.60). Total project cost is Thirty Thousand Four Hundred Thirty-Six dollars and 28/100 (\$30,436.28). The petitioner contribution amount is Twenty-Five Thousand One Hundred Ninety-Four dollars and 68/100 (\$25,194.68). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

MOTION by Pozzi seconded by Lucido that the above and foregoing resolution for street lighting for The Enclave at The Villas of Villagio be adopted.

Roll Call:

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

Nays: None

RESOLUTION DECLARED ADOPTED this 24th day of November 2020.

NEW BUSINESS:

WATER AND SEWER DEPARTMENT:

13. Request Approval to Pay Construction Pay Estimate No. 9; 2019 Sanitary Sewer Rehabilitation by FCIPP and SCIPP Lining. Project No. 0249-0163 (\$43,504.80)

Item presented by Water and Sewer Superintendent Gerry Wangelin.

MOTION by Leon Drolet seconded by Nancy J. Nevers to Approve to Pay Construction Pay Estimate No. 9; 2019 Sanitary Sewer Rehabilitation by FCIPP and SCIPP Lining. Project No. 0249-0163 (\$43,504.80)

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

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

Nays - None

Abstain - None

THE MOTION Passed.

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14. Request Approval to Pay the Contractors Application for Final Payment Estimate No. 4 & Closeout Documents; 23 Mile Road Water Main Replacement. (\$26,021.28) L.D'Agostini & Sons, Inc.

Item presented by Water and Sewer Superintendent Gerry Wangelin.

MOTION by Leon Drolet seconded by Kristi L. Pozzi to Approve the Request to Pay the Contractors Application for Final Payment Estimate No. 4 & Closeout Documents; 23 Mile Road Water Main Replacement. (\$26,021.28) L.D'Agostini & Sons, Inc.

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

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

Nays - None

Abstain - None

THE MOTION Passed.

15. Request Approval to Pay Construction Pay Estimate No. 2; Country Club Sanitary Sewer Rehabilitation Project No. 0249-0169 (\$998,829.94) Pamar Enterprises, Inc.

Item presented by Water and Sewer Superintendent Gerry Wangelin.

MOTION by Charles Oliver seconded by Leon Drolet to Approve the Request to Pay Construction Pay Estimate No. 2; Country Club Sanitary Sewer Rehabilitation Project No. 0249-0169 (\$998,829.94) Pamar Enterprises, Inc.

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

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

Nays - None

Abstain - None

THE MOTION Passed.

ENGINEERING DEPARTMENT:

16. Request for Authorization to Proceed with Pump Station No. 8 Upgrades (\$192,200.00)

Item presented by Township Engineer James Van Tiflin.

MOTION by Kristi L. Pozzi seconded by Leon Drolet to Motion to Proceed with Pump Station No. 8 Upgrades (\$192,200.00).

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

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

Nays - None

Abstain - None

THE MOTION Passed.

HUMAN RESOURCES DEPARTMENT:

17. COVID-19 Remote Work Policy

Item presented by Human Resources Specialist Sharalyn Arft.

MOTION by Leon Drolet seconded by Peter J. Lucido III to approve the attached proposed COVID-19 Remote Work Policy.

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

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

Nays - None

Abstain - None

THE MOTION Passed.

PLANNING AND ZONING DEPARTMENT:

18. Rezoning Request; Agricultural (AG) to Residential One Family Urban (R-1); Located on the south side of 26 Mile Road, 380 feet east of Romeo Plank Road; Permanent Parcel 08-05-100-021

Item presented by Township Planner Josh Bocks.

MOTION by Kristi L. Pozzi seconded by Charles Oliver to accept Planning Commission recommendation to approve the Rezoning Request; Agricultural (AG) to Residential One Family Urban (R-1); Located on the south side of 26 Mile Road, 380 feet east of Romeo Plank Road; Permanent Parcel 08-05-100-021 (as motioned by the Planning Commission).

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

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

Nays - None

Abstain - None

THE MOTION Passed.

19. Rezoning Request; Residential One Family Suburban (R-S-1) to Residential One Family Urban (R-1); Located on the east side of Romeo Plank Road, 1,700 feet south of 21 Mile Road; Permanent Parcel # 08-33-151-004

Item presented by Township Planner Josh Bocks.

MOTION by Kristi L. Pozzi seconded by Charles Oliver to accept the Planning Commission recommendation and approve the Rezoning Request; Residential One Family Suburban (R-S-1) to Residential One Family Urban (R-1); Located on the east side of Romeo Plank Road, 1,700 feet south of 21 Mile Road; Permanent Parcel # 08-33-151-004

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

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

Nays - None

Abstain - None

THE MOTION Passed.

20. Proposed Amendment to the 2008 Master Plan

Item presented by Township Planner Josh Bocks.

MOTION by Charles Oliver seconded by Kristi L. Pozzi to distribute the proposed amendment to the 2008 Master Plan to all required agencies including but not limited to neighboring communities, Macomb County, and SEMCOG as required by the Planning Enabling Act of 2008, which will begin the public comment period.

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

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

Nays - None

Abstain - None

THE MOTION Passed.

21. Temporary Sign Ordinance

Item presented by Township Planner Josh Bocks.

MOTION by Kristi L. Pozzi seconded by Leon Drolet to Motion to allow temporary Covid related signage to be placed without needing a permit so long as they abide by all typical standards and regulations that pertain to such things as height, size, setbacks, clearzone, etc. This will include signage helping to notify the public about the status of any business or other agency as it relates to new operating procedures that may be in place due to covid restrictions imposed by the State of Michigan or Federal Government. This process would remain in place until March 31st, 2021 or until the Township deems it no longer necessary.

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

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

Nays - None

Abstain - None

THE MOTION Passed.

SUPERVISOR'S OFFICE:

22. Board Appointment to the Zoning Board of Appeals

Item presented by Supervisor Viviano.

MOTION by Leon Drolet seconded by Frank A. Cusumano Jr. to appoint Kristi Pozzi to the Zoning Board of Appeals as the Board Representative, term to expire November 20, 2024.

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

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

Nays - None

Abstain - None

THE MOTION Passed.

23. Resolution to Dissolve Human Resources Director-Legal Counsel Position

Item presented by Supervisor Viviano.

Clerk Pozzi recused herself from all discussion and votes regarding this item due to ongoing litigation.

MACOMB TOWNSHIP

**RESOLUTION TO DISSOLVE THE COMBINED POSITION OF HUMAN RESOURCES
DIRECTOR AND LEGAL COUNSEL**

At a regular meeting of the Township Board of Macomb Township, Macomb County, Michigan, held at the Township Hall on the 24th day of November, 2020.

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

MEMBERS ABSENT: None

The following resolution was offered by Oliver and seconded by Lucido.

WHEREAS, on the 1st day of January 2017, the Macomb Township Board approved an employment agreement for the combined position of Human Resources Director and Legal Counsel under the direction of the Supervisor; and

WHEREAS, a newly elected Supervisor to office at noon on November 20, 2020; and

WHEREAS, the Supervisor of Macomb Township wishes to reorganize his department to eliminate the combined Human Resources Director/Legal Counsel position into two separate positions effective immediately.

Motion by Oliver seconded by Lucido to approve the above and foregoing resolution.

Roll Call:

Ayes: Oliver, Lucido, Cusumano, Drolet, Viviano

Nays: Nevers

Recused: Pozzi

RESOLUTION DECLARED ADOPTED this 24th day of November, 2020.

24. Request to Initiate Recruitment for Human Resources Director

Item presented by Supervisor Viviano.

Clerk Pozzi recused herself from all discussion and votes regarding this item due to ongoing litigation.

MOTION by Charles Oliver seconded by Frank A. Cusumano Jr. to authorize Supervisor Frank Viviano to initiate the recruitment process for Human Resources Director, posting internally and externally simultaneously,

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

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

Nays - None

Recused - Kristi L. Pozzi

THE MOTION Passed.

25. Authorize the Purchasing Specialist to execute RFP for Legal Counsel

Item presented by Supervisor Viviano.

Clerk Pozzi recused herself from all discussion and votes regarding this item due to ongoing litigation.

MOTION by Leon Drolet seconded by Peter J. Lucido III to authorize the purchasing specialist to execute an RFP for Legal Counsel services.

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

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

Nays - None

Recused - Kristi L. Pozzi

THE MOTION Passed.

26. Authorize the Supervisor to hire Interim Legal Counsel

Item presented by Supervisor Viviano.

Clerk Pozzi recused herself from all discussion and votes regarding this item due to ongoing litigation.

MOTION by Charles Oliver seconded by Peter J. Lucido III to authorize the Supervisor to hire interim Legal Counsel not to exceed \$350.00 per hour.

ROLL CALL Vote Summary: (5 - 1 - 0)

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

Nays - Frank A. Cusumano Jr.

Recused- Kristi L. Pozzi

THE MOTION Passed.

ASSESSING DEPARTMENT:

27. Poverty Exemption Resolution

Item presented by Township Assessor Dan Hickey.

**TOWNSHIP OF MACOMB
COUNTY OF MACOMB, STATE OF MICHIGAN**

REAL PROPERTY TAX POVERTY EXEMPTION RESOLUTION

Memorandum of Resolution made and adopted at a Regular Meeting of the Board of Trustees of Macomb Township, Macomb County, Michigan, held in the Macomb Township offices on Tuesday the 24th of November, 2020.

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

MEMBERS ABSENT: None

The following preamble and resolution were offered by Member Pozzi and supported by Member Drolet:

Whereas, Section 211.7u of Act No. 206 of the Public Acts of 1893, as amended, provides that the homestead of a person who, in the judgment of the Supervisor and Board of Review, by reason of poverty, is unable to contribute toward the public charges are eligible for exemption in whole or in part from taxation under the Act; and,

Whereas, said section provides certain eligibility requirements for exemption under said section; and,

Whereas, said section requires that an applicant meet the federal poverty income standards as defined and determined annually by the United States Office of Management and Budget or alternative guidelines adopted by the governing body of the local assessing unit; provided, however, such alternative guidelines do not provide income eligibility requirements less than the federal guidelines; and,

Whereas, the Board of Trustees of the Township of Macomb is the governing body of the local assessing unit; and,

NOW, THEREFORE, BE IT RESOVED that the following standards be adopted in relation to applications for the Real Property Poverty Exemptions:

In order to qualify for the Poverty Exemption, the claimant MUST meet all of the following requirements. It may be possible that a claimant meets the income standard for the Poverty Exemption but not meet the asset standard or other standards as set forth in these guidelines. In this instance the claimant would NOT qualify for the exemption even though

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the income standard was met.

The Board of Review shall follow these guidelines when granting or denying a Poverty Exemption. The same standards shall apply to each claimant in the Township for the assessment year “unless the Supervisor and Board of Review determines that there are substantial and compelling reasons why there should be deviation from the guidelines and the substantial and compelling reasons are communicated in writing to the claimant.”

In granting Poverty Exemptions, the Township of Macomb and the Board of Review realizes that this represents a shift of those property taxes exempted to the other taxpayers of the Township. Poverty exemptions are intended to assist those who are in temporary financial straits and are NOT intended as a permanent subsidy. Poverty exemptions shall apply only to the applicant’s qualified homestead and the property must be classified RESIDENTIAL for property tax purposes. Under no circumstances shall a poverty exemption be granted or apply to the property of a business, partnership or corporation.

Applicants who have purchased their principal residence within the current year are not eligible for the exemption in the same current year. When a home is purchased, it is expected that the buyer considers the cost to maintain the home, including the State mandated property taxes, when determining their affordability of the home purchase. Not doing so, creates a self-induced hardship, which will not be considered eligible for the exemption.

The amount of relief due to hardship that will be granted by the Board of Review for any qualifying applicant shall not exceed the amount as determined by the **TOWNSHIP OF MACOMB HARDSHIP EXEMPTION INCOME LEVEL CALCULATION REPORT.**

To be eligible for exemption by reason of poverty, a person shall do all of the following on an annual basis:

Applicants MUST be an owner of and occupy as a homestead (as defined by MCL 211.7dd) the property for which an exemption is being requested. Vacant, unplatted, contiguous land shall not qualify as homestead property for purposes of these guidelines.

1. Applicants MUST complete in its entirety a “Hardship Exemption Application” with the Board of Review on a form provided by the Assessing Department. Applications are to be filed after January 1st and before the day prior to the last day of the March, July or December Board of Review meetings for that assessment year. Incomplete applications and/or applications of taxpayers not meeting the eligibility requirements will be returned to the Applicant and will not be considered by the Board of Review. Qualified Applicants, or their authorized Representative, must appear in person before the Board of Review in order to be considered for relief due to financial hardship. Applicants who wish to send a Representative to appear on their behalf must provide them with a Notarized Letter of Authorization. The Representative will be required to present photo identification along with the letter.
2. Applicants meeting all eligibility requirements will be scheduled for an appointment to

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appear before the Board of Review.

3. Applicants **MUST** provide copies of the following forms, including all supporting documents and schedules, for **ALL PERSONS RESIDING IN THE HOUSEHOLD**, filed in the immediately preceding year or in the current year:
- Federal Income Tax Returns (1040 or 1040A)
(Applicants MUST file this tax return even if they owe no income tax or are not required to file a Federal Income Tax Return if they meet the requirements for receiving an Earned Income Tax Credit).
 - Signed Federal Form 4506-T: Request for Transcript of Tax Return
 - State of Michigan Income Tax Returns (MI-1040)
(Applicants MUST file this tax return even if they owe no income tax or are not required to file a Michigan Income Tax Return if they were granted a Federal Earned Income Tax Credit. The State will provide a 6% supplemental EITC when the Applicant files his/her State Income Tax Return).
 - If applicant did not file a Federal or State Income Tax return, they **MUST** complete and file an Income Tax Exemption Affidavit (Treasury Form 4988) for all persons residing in the residence who were not required to file in the current year or in the immediately preceding year, **and** who did not meet the qualifications for receiving an EITC.
 - Michigan Homestead Property Tax Credit Claim (MI-1040CR)
 - W-2 Forms
 - Social Security Benefit Statement (form SSA-1099) for **ALL PERSONS RESIDING IN THE HOUSEHOLD**, who receive Social Security benefits.
 - Proof of all sources of income if not included on the W-2 Forms, including any check stubs or receipts from contributions by relatives or other persons living in the household, or from State or Federal Government checks.
 - Current year mortgage verification showing loan balance plus principal and interest payment amounts.
 - Bank and/or credit union statements, for the current and immediately preceding six months, of **ALL** checking and savings accounts.
 - **Current** credit reports for all persons residing in the household. (Credit reports are available at no cost to the applicant once per year from all 3 of the following credit reporting bureaus: Equifax, Experian and TransUnion. Free credit reports are available at myfreecreditreport.com)
 - Statements for all household expenses and debt payments for the immediately preceding **six months**.
 - A valid Michigan driver's license or other legal form of photo-identification, which indicates residing property address for all persons in the household.
 - Copy of State of Michigan Registration for all vehicles.
 - Copy of a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.

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The Township requires all Applicants to provide copies of their originally-filed tax returns and will not accept summary information reports or reproduced tax returns. Federal and State tax returns must be signed unless “e-filed” documents are included. The Township retains the right to request a copy of any household occupant’s federal income tax returns from the Internal Revenue Service or Michigan Income Tax Returns from the Department of Treasury pursuant to MCL 205.28, and all vehicle or titled asset registration information from the Secretary of State.

4. Applicants MUST meet poverty income standards determined by the Township of Macomb. These income standards shall be posted annually in the Department of Assessment and made available upon request at no charge. These income standards will be based upon the current year Federal Poverty Thresholds multiplied by a rate of 135% (1.35).

The Board of Review shall consider income from all sources and from all occupants of the homestead when determining whether an Applicant meets Township poverty income standards as established by the Township Board of Trustees. Income includes:

- Money, wages, and salaries before deductions.
- Regular payments for social security, railroad retirement, unemployment and worker’s compensation, veteran’s payments and public assistance.
- Gifts, loans and contributions by all persons, whether living in the household or not.
- Alimony, child support, and military family allotments.
- Non-cash benefits, such as Medicaid, WIC, food stamps and school lunches.
- Private pensions, governmental pensions, regular insurance or annuity payments, and inheritance payments.
- College or university scholarships, grants, fellowships, educational trust disbursements and financial aid.

In addition to meeting the income level requirements as noted above, applicants must also meet requirements based on asset level.

ASSET GUIDELINES USED IN THE DETERMINATION
OF POVERTY EXEMPTIONS

As required by PA 390 of 1994, all guidelines for poverty exemptions are established by the governing body of the local assessing unit **SHALL** also include an asset level test. The following asset test shall apply to all applications for poverty exemption.

- The applicant shall not have “liquid” assets (excluding the value of the principal residence subject to the exemption requested) in excess of two (2) times the amount of the estimated tax obligation of the current assessment.

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- The applicant shall not have total assets (excluding the value of the principal residence subject to the exemption request) in excess of ten (10) times the amount of estimated tax obligation of the current assessment.

All asset information, as requested in the Application for Poverty Exemption must be completed in total. The Board of Review may request additional information and verification of assets if they determine it to be necessary and may reject any application if the assets are not properly identified.

Liquid Assets may include but are not limited to:

- Bank accounts
- Stocks and Bonds
- IRA's and other investment accounts
- Pension
- Life Insurance Policies
- Inheritance
- Money received from the sale of property such as stocks, bonds, a house or car unless a person is in the specific business of selling such property.
-

In addition, total assets may also include but are not limited to:

- A second home
- Excess or vacant land
- Rental property
- Buildings other than the residence
- Equipment
- Other personal property of value
- Extraordinary vehicles
- Recreational vehicles - shall not exceed the amount of the current annual property tax obligation. Recreational vehicles include snowmobiles, boats, jet skis, camping trailers, travel trailers, motorcycles, motor homes, off-road vehicles, or anything else which may be considered a recreational vehicle.
- Food or housing received in lieu of wages and the value of food and fuel produced and consumed on farms.

Under no circumstances shall the Board of Review reduce the taxable value lower than that which would produce an annual ad valorem tax equal to 3.5% of an applicant's income plus property tax credit refund payable by the State of Michigan. It is not the intent of the Township to adopt a policy of an individual being "automatically entitled" to exemption.

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Motion by Pozzi seconded by Drolet to adopt the 2021 Poverty Exemption Resolution.

Roll Call:

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

Nays: None

RESOLUTION DECLARED ADOPTED this 24th day of November, 2020.

BUILDING DEPARTMENT:

28. Purchase 7 new Microsoft Surface Laptop computers for the building inspectors (\$8787.57)

Item presented by Building Official Joe Maples.

MOTION by Kristi Pozzi seconded by Leon Drolet to approve the purchase 7 new Microsoft Surface Laptops

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

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

Nays - None

Abstain - None

THE MOTION Passed.

BOARD COMMENTS:

Trustee Comments

Trustees Cusumano, Oliver, Nevers and Lucido thanked residents for the opportunity to serve and wished everyone a Happy Thanksgiving.

Treasurer Comments

Treasurer Drolet thanked residents for the opportunity to serve as their Treasurer.

Clerk Comments

Clerk Pozzi thanked residents for voting in record numbers and looks forward to working with the new Board.

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Supervisor Comments

Supervisor Viviano thanked fellow Board members for their support and looks forward to serving with them on behalf of all residents. He announced applications for the Ethics Board and Planning Commission are now being accepted and wished all a Happy Thanksgiving.

ADJOURNMENT

MOTION by Leon Drolet seconded by Kristi L. Pozzi to adjourn the November 24, 2020 Board meeting at 08:43 PM.

Vote Summary: (7 - 0 - 0)

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

Nay - None

Abstain - None

THE MOTION Passed.