

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, OCTOBER 14, 2009

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

PRESENT: MARK H. GRABOW, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
DINO F. BUCCI, JR, TRUSTEE
JANET DUNN, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel
Jerome Schmeiser, Planning Consultant
James VanTiflin, Engineering Consultant
(Additional attendance on file at the Clerk's Office)

Supervisor GRABOW called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

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

APPROVAL OF THE AGENDA

2. The agenda was reviewed and items 6a, 16a and 25a were added. Items 23 and 33 were moved to Executive Session.

MOTION by DUNN seconded by BUCCI to approve the agenda as amended.

MOTION carried.

APPROVAL OF THE BILLS

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

MOTION by NEVERS seconded by KRZEMINSKI to approve both bill runs as presented.

MOTION carried.

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APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on September 23, 2009 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by DUNN seconded by MALBURG to approve the minutes of the meeting of September 23, 2009 as presented.

MOTION carried.

5. **Consent Agenda Items:**

A. Clerk's Department:

1. Site Plan Bond Release for Country Meadows Condominiums, GTR Country Meadows Inc., Petitioner.
2. Site Plan Bond Release for Huntcliff Village Condominiums Phase III; Huntcliff Village Joint Venture, Petitioner.
3. Model Bond Release; Clearstone Subdivision Lot 3 (a.k.a. 56959 Clearstone Drive); Frank Karam, Petitioner.
4. Site Plan Bond Release; Wood Creek Farms; Wood Creek Farms, Petitioner.
5. Ground Sign Bond Release; St. Isidore Catholic Church; St. Isidore Catholic Church, Petitioner.
6. Site Plan Bond Release; Krogers at Card/21 Shoppes; Boutrous Companies, Petitioner.
7. Site Plan Bond Release; Regency Commerce Center Unit 7; Casa Villa Commercial, LLC, Petitioner.
8. Site Plan Bond Release; Regency Commerce Center Unit 3; Eastside Investments, LLC, Petitioner.
9. Site Plan Bond Release for Temporary Sales Trailer; Brittany Parc Subdivision; Astro Homes, Inc., Petitioner.
10. Site Plan Bond Release; Milano Industrial Subdivision Lot 23; Roy A. Seelbinder Construction Company, Inc., Petitioner.
11. Site Plan Bond Release; Macomb Industrial Park Unit 11; Concorde Construction, Petitioner.
12. Site Plan Bond Release; Majastic Industrial Building, Cunningham-Limp Development Company, Petitioner.
13. Site Plan Bond Release; Prime Time Electric; Prime Time Electric Inc., Petitioner.
14. Site Plan Bond Release; Prime Time Electric (Addition); DSL Investments, LLC, Petitioner.

B. Water/Sewer Dept.

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1. Purchase Requisition: Kennedy Industries Inc.
2. Easement Encroachment: 51751 Cedar Springs, Sidwell # 08-16-328-056
3. Easement Encroachment: 54715 Malheur Drive, Sidwell # 08-08-204-027
4. Easement Encroachment: 20737 Wolf Drive, Sidwell # 08-27-101-003
5. Release of Sanitary Sewer & Mains Bond: Beaufait Farms Phase I
6. Release of Sanitary Sewer Bond: Turnberry Subdivision
7. Release of Sanitary Sewer Bond: Strawberry Knolls Subdivision
8. Release of Sanitary Sewer Bond: Split Rail Grove Subdivision
9. Release of Sanitary Sewer Bond: Deerwood Manor
10. Release of Sanitary & Water Main Bond: Penzien Farms
11. Release of Sewer & Water Bond: Cambridge Commons
12. Release of Sewer & Water Main Bond: Deerwood Manor
13. Release of Sanitary Sewer Bond: Highland Hills Condos
14. Release of Maintenance Bond: Altermatt Farms # 2

C. Human Resources

1. Request Approval of the Employment Agreement Drafted by Legal Counsel.

D. Department Monthly Reports:

1. Building Department
2. Fire Department
3. Macomb County Sheriffs Department
4. Parks and Recreation Department
5. Water/Sewer Department

Supervisor GRABOW reviewed this matter and asked if any of the Board members wanted to remove any item from the Consent Agenda and place it for discussion on the regular agenda.

MOTION by KRZEMINSKI seconded by BUCCI to approve the Consent Agenda as presented.

MOTION carried.

6. **Public Comments**

There were no public comments on any agenda item at this time.

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PLANNING

7. **Rezoning Request;** Agricultural (AG) to Residential, One Family Urban (R-1); Located on the East side of Romeo Plank, 1/3 Mile South of 26 Mile Road; 56400 Romeo Plank Road; Section 5; Permanent Parcel No. 08-05-100-006. Macomb Township, Petitioner

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by NEVERS to approve the rezoning request; Agricultural (AG) to Residential, One Family Urban (R-1); Located on the East side of Romeo Plank, 1/3 Mile South of 26 Mile Road; 56400 Romeo Plank Road; Section 5; Permanent Parcel No. 08-05-100-006.

MOTION carried.

8. **Rezoning Request;** Agricultural (AG) to Residential, One Family Urban (R-1); Located on the West side of Card Road; 1,800 feet North of 23 Mile Road; 51781 Card Road; Section 15; Permanent Parcel No. 08-15-426-003. Macomb Township, Petitioner.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by MALBURG to approve the rezoning request; Agricultural (AG) to Residential, One Family Urban (R-1); Located on the West side of Card Road; 1,800 feet North of 23 Mile Road; 51781 Card Road; Section 15; Permanent Parcel No. 08-15-426-003.

MOTION carried.

9. **Rezoning Request;** Agricultural (AG) to Residential, One Family Urban (R-1); Located on the North side of 23 Mile Road; ½ Mile West of Card Road; 21221 23 Mile Road; Section 15, Permanent Parcel No. 08-15-300-015. Macomb Township, Petitioner.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by NEVERS to approve the rezoning request; Agricultural (AG) to Residential, One Family Urban (R-1); Located on the North side of 23 Mile Road; ½ Mile West of Card Road; 21221 23 Mile Road; Section 15, Permanent Parcel No. 08-15-300-015.

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MOTION carried.

10. **Rezoning Request;** Agricultural (AG) to Residential, One Family Urban (R-1); Located on the West side of Card Road, 942 feet South of 24 Mile Road; 52625 Card Road, Section 15; Permanent Parcel No. 08-15-200-015. Macomb Township, Petitioner.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by NEVERS to approve the rezoning request; Agricultural (AG) to Residential, One Family Urban (R-1); Located on the West side of Card Road, 942 feet South of 24 Mile Road; 52625 Card Road, Section 15; Permanent Parcel No. 08-15-200-015.

MOTION carried.

11. **Rezoning Request;** Agricultural (AG) to Residential, One Family Urban (R-1); Located on the West side of Card Road; 817 feet South of 24 Mile Road; 52675 Card Road; Section 15, Permanent Parcel No. 08-15-200-013. Macomb Township, Petitioner.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by MALBURG to approve the rezoning request; Agricultural (AG) to Residential, One Family Urban (R-1); Located on the West side of Card Road; 817 feet South of 24 Mile Road; 52675 Card Road; Section 15, Permanent Parcel No. 08-15-200-013.

MOTION carried.

12. **Rezoning Request;** Agricultural (AG) to Residential Urban One Family (R-1); Located on the north side of 23 Mile Road, 1 mile west of Card Road; Section 15; Permanent Parcel No. 08-15-300-009. Macomb Township, Petitioner.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by NEVERS to approve the rezoning request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the north side of 23 Mile Road, 1 mile west of Card Road; Section 15; Permanent Parcel No. 08-15-300-009.

MOTION carried.

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13. **Rezoning Request;** Agricultural (AG) to Residential Urban One Family (R-1); Located on the west side of Card Road, 2,000 feet north of 23 Mile Road; Section 15; Permanent Parcel 08-15-426-002. Macomb Township, Petitioner.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by MALBURG to approve the rezoning request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the west side of Card Road, 2,000 feet north of 23 Mile Road; Section 15; Permanent Parcel 08-15-426-002.

MOTION carried.

14. **Extension of Time;** Tentative Preliminary Plat; River Pointe Subdivision; Located on the North side of 25 Mile Road; 1,500' East of Hayes Road; Section 6, Permanent Parcel No. 08-06-300-036, Andrew Eskelinen Petitioner.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

MOTION by DUNN seconded by BUCCI to approve the request for an extension of time for the Tentative Preliminary Plat at the River Pointe Subdivision; Located on the North side of 25 Mile Road; 1,500' East of Hayes Road; Section 6, Permanent Parcel No. 08-06-300-036 for a period of one year.

MOTION carried.

NEW BUSINESS

15. Authorization for Legal Counsel to Defend Appeal to Michigan Tax Tribunal: Nicholas Lubnik v. Mac Twp-Parcel No. 08-25-351-011.

Clerk KOEHS reviewed this matter and stated his recommendation for approval.

MOTION by KOEHS seconded by DUNN to authorize Legal Counsel to defend the Appeal to the Michigan Tax Tribunal in the matter of Nicholas Lubnik v. Macomb Township; Parcel No. 08-25-351-011.

MOTION carried.

16. Amendment of Investment Policy to Specify Signers on Accounts. Karen Goodhue, Deputy Treasurer, reviewed this matter and stated her

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recommendation that the Investment Policy be amended to allow the Treasurer, the Deputy Treasurer and the Clerk to sign the accounts. She further stated her recommendation for approval.

MOTION by KRZEMINSKI seconded by KOEHS to amend the Investment Policy to allow the Treasurer, the Deputy Treasurer and the Clerk to sign the accounts.

MOTION carried.

16a. **Request to Collect the 2010 Summer Taxes.**

Karen Goodhue, Deputy Treasurer, reviewed this matter and recommend that Macomb Township collect the 2010 Summer Taxes at the rate of three dollars (\$3.00) per parcel.

MOTION by DUNN seconded by KRZEMINSKI to collect the 2010 Summer Taxes at the rate of three dollars (\$3.00) per parcel.

MOTION carried.

17. Request for Authorization for Emergency Repairs-Urban Meadows Retention Basin

Supervisor GRABOW reviewed this matter and stated that he had received a letter from the developer, Woodcreek Home Builders, LLC, and that they would be handling this matter without the need for Township participation.

MOTION by BUCCI seconded by KRZEMINSKI to receive and file the letter regarding the request for Authorization for Emergency Repairs at the Urban Meadows Retention Basin.

MOTION carried.

HUMAN RESOURCES

18. Request Authorization to Change Life Insurance Carrier.

Mr. John Brogowicz, Human Resources Director, reviewed this matter and stated that this proposed change would save the Township ten percent of its current premium. He further stated his recommendation for approval.

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MOTION by KOEHS seconded by KRZEMINSKI to approve the change of the Life Insurance Carrier to the Hartford Life Insurance Company, as requested.

MOTION carried.

19. Request Authorization for a Purchasing Consultant.

Mr. John Brogowicz, Human Resources Director, reviewed this matter and stated his recommendation to retain the services of Jeannette Bennett as a Purchasing Consultant concerning the development of a purchasing policy and procedure.

MOTION by DUNN seconded by KOEHS to approve the retention of Ms. Jeannette Bennett as a Purchasing Consultant under an Independent Contractor Agreement concerning the development of a Purchasing Policy and Procedure, and to authorize legal counsel to develop the Independent Contractor Agreement.

MOTION carried.

20. Request Authorization to Sponsor a College Internship Program with Oakland University.

Mr. John Brogowicz, Human Resources Director, reviewed this matter and outlined the program as proposed by Oakland University. He further stated his recommendation for approval.

MOTION by BUCCI seconded by KRZEMINSKI to authorize the Human Resource Department to sponsor a College Internship Program in conjunction with Oakland University, as presented.

MOTION carried.

21. Request Authorization for the Early Return from a Personal Leave of Absence.

Mr. John Brogowicz, Human Resources Director, reviewed this matter regarding the early return of a paid on call fire fighter returning from a leave of absence. He further stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by DUNN to approve the request for an early return from a leave of absence as presented.

MOTION carried.

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FIRE DEPARTMENT

22. Request to Replace Concrete at Stations 1 and 3.

Chief Robert Phillips, reviewed this matter regarding the replacement of broken concrete slabs at Fire Stations #1 and #3. He further stated his recommendation for approval.

MOTION by KOEHS seconded by BUCCI to award the job for the concrete replacement to Agrusa Cement, Inc. in the amount of two thousand three hundred ninety five dollars (\$2,395.00).

MOTION carried.

23. Employee Discipline Matter.

(This item was moved to Executive Session at the employees' request.)

24. Request to Participate in the Annual Mt. Clemens Holiday Parade.

Chief Robert Phillips, reviewed this request to allow our Fire Department ladder truck to participate in the annual Mt. Clemens Holiday parade. He further stated his recommendation for approval.

MOTION by DUNN seconded by MALBURG to approve the request to allow the Fire Department ladder truck to be used in this year's Mt. Clemens Holiday Parade.

MOTION carried.

WATER AND SEWER DEPARTMENT

25. Request to Purchase Phone System .

Mr. Gerry Wangelin, Water & Sewer Superintendent, reviewed this matter and stated this would bring their phone system in line with the rest of the township. He further stated his recommendation for approval.

MOTION by DUNN seconded by NEVERS to approve the purchase and installation of the new Water and Sewer Department phone system to Prizm Technology for the amount of nine thousand seven hundred eighty six dollars and seventy eight cents (\$9,786.78).

MOTION carried.

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25a Request to Attend Training Conference.

Mr. Gerry Wangelin, Water & Sewer Superintendent, reviewed this matter and stated this is a one day class to be held in Rochester Hills for a cost of seventy dollars (\$70.00).

MOTION by BUCCI seconded by KOEHS to approve the attendance of one employee at the 'Distribution Systems Principles Review' Seminar to be held in Rochester Hills for a cost of seventy dollars (\$70.00).

MOTION carried.

26. **Public Comments, Non-Agenda Items Only - (3 minute time limit)**

Several citizens expressed their concern regarding the Supervisor conducting activities with a business who is involved in litigation with the township.

A number of township residents from the Buckingham Village Subdivisions and from the Windgate Subdivision expressed their concerns regarding the construction and failure of the retention basin that services their neighborhoods. It was noted that a public hearing on this matter is scheduled for November 10, 2009 at the Township Hall.

Several citizens expressed their concerns relating to a disciplinary matter regarding a fire fighter.

BOARD COMMENTS

27. Supervisor Comments:

Supervisor GRABOW made a comment regarding the retention basin issue. He also indicated that his activities at Tina's did not cost the Township anything. He also spoke of the need for emergency repairs for Sheriff Substation flat roof.

MOTION by KOEHS seconded by BUCCI to authorize emergency repairs to Sheriff Sub station flat roof, not to exceed \$2000.00 to fix the leaks.

MOTION carried.

28. Clerk Comments:

Clerk KOEHS reminded everyone that there is an election coming up on November 3, 2009 and encouraged everyone to participate. He thanked the homeowners for their comments and concerns on the retention basin and informed them that a departmental review meeting on this matter was scheduled for October 19, 2009, and that the public hearing was still scheduled for November 10, 2009.

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29. Treasurer Comments:

Treasurer MALBURG commented on the issues raised regarding the fire fighter discipline.

30. Trustees Comments:

Trustee DUNN reported that the Senior Citizen Open House was very successful and that over 125 persons attended.

Trustee NEVERS reminded everyone that a fund raiser will be held for Army Veteran Alex Knapp on October 22, 2009 at the Disabled Veterans Hall on Dequindre Road in Shelby township.

Trustee BUCCI asked the township's engineering consultant several questions regarding the retention basin issue and provided those in attendance some additional information regarding that matter.

MOTION by BUCCI seconded by KRZEMINSKI to adjourn to Executive Session at 8:46 p.m.

MOTION carried.

The Board returned from Executive Session at 11:07 p.m.

EXECUTIVE SESSION

31. SSS Holdings v. Macomb Township; Tax Tribunal Matter, Proposed Settlement.

MOTION by KOEHS seconded by DUNN to authorize Legal Counsel to sign the Consent Judgment as presented.

MOTION carried.

32. Malone v. Macomb Township; Condemnation Proceeding.

MOTION by KOEHS seconded by BUCCI to authorize Legal Counsel to sign the settlement as proposed.

MOTION carried.

33. Macomb Township vs. Landa Development.

MOTION by KOEHS seconded by KRZEMINSKI to table this matter to the meeting of October 28, 2009.

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MOTION carried.

23.  Employee Discipline Matter.

MOTION by KOEHS seconded by BUCCI to table this mater to the meeting of October 28, 2009.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by KRZEMINSKI to adjourn the Board of Trustees meeting at 11:10 p.m.

MOTION carried.

Respectfully submitted,

Mark H. Grabow
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk