

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

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

ABSENT: KRISTI POZZI, CLERK

ALSO PRESENT: Thomas Esordi, Legal Counsel  
Patrick Meagher, Planning Director  
James VanTiflin, Township Engineer  
*(Additional attendance on file at the Clerk's Office)*

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

## ROLL CALL

1. In the absence of Clerk Pozzi, Deputy Clerk Roger Cardamone sat with the board and recorded the motions and roll call votes.

Mr. Cardamone called the roll and the Board of Trustees was present.

**MOTION by Bussineau seconded by Smith to refrain from calling Clerk Pozzi's name during any roll call vote. MOTION carried.**

## APPROVAL OF THE AGENDA

2. **MOTION by Goodhue seconded by Bussineau to approve the agenda as amended, with the following additions: Consent Agenda, Item 5B2, Request to Attend Corrosion and Scale Basics Course; Closed Session, Item 29, Employee Discipline; and Item 30, Status of Contract Negotiations with AFSCME Chapter Local 1917.43, Michigan Council 25. MOTION carried.**

## APPROVAL OF THE BILLS

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

**MOTION by Nevers seconded by Goodhue to approve the bill runs in the amounts of \$566,636.07, \$36,310.55 and checks cut between meetings in the amount of \$52.00 for a total of \$602,998.62  
MOTION carried.**

#### **APPROVAL OF THE PREVIOUS MEETING MINUTES**

4. The minutes of the previous meeting held on January 9, 2019 were reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by Krzeminski seconded by Smith to approve the Minutes of 1/9/19 as presented.  
MOTION carried.**

5. **Consent Agenda Items:**

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

A. Planning Department:

1. Request to Approve Construction of Model Homes at Pheasant Run Phase I Contingent on the Approval of the Requested Time Extension for Landscaping and Other Site Work
2. Request to Approve Construction of Model Homes at Strathmore Site Condominiums

B. Water & Sewer Department:

1. Request to Attend Conference: 2019 Operators Day/Joint Expo
2. Request to attend Corrosion and Scale Basics Course

C. Engineering Department:

1. Request to Approve Easement Agreement: 2017 Pathway Gap Closure Program (Parcel No. 08-29-201-017)
2. Request to Approve Easement Agreement: 2017 Pathway Gap Closure Program (Parcel No. 08-29-201-004)
3. Request to Approve Partial Site Development Bond Release for Strathmore Site Condominiums II
4. Request to Approve Partial Site Development Bond Release for Insight Eye Care
5. Request to Approve Partial Site Development Bond Release for Deneweth Farms Site Condominiums – Phases 2, 3 and 4

**MOTION by Krzeminski seconded by Goodhue to approve the Consent Agenda as amended. MOTION carried.**

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

Amy Wille spoke regarding Item 11 and thanked the Board for appointing her to the Clinton-Macomb Library Board of Trustees and for donating land for the North Branch Library project.

**PUBLIC HEARING**

**7. Public Hearing and Resolution for a Speculative Building Application by Chesterfield 5, LLC, 46370 Erb Drive, Industrial Park.**

Supervisor Dunn opened the public hearing at 7:05 p.m.

Charles Pierce, Records Manager provided background information for the application and indicated all approvals are in order.

Supervisor Dunn closed the public hearing at 7:06 p.m.

**RESOLUTION APPROVING APPLICATION FOR SPECULATIVE BUILDING**

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 January 23<sup>rd</sup>, 2019, at 7:00 o'clock P.M. Eastern Daylight Savings Time.

PRESENT: Dunn, Goodhue, Bussineau, Krzeminski, Nevers, Smith

ABSENT: Pozzi

The following preamble and resolution were offered by Member Krzeminski and supported by Member Smith.

WHEREAS, Chesterfield 5, LLC is the owner of land in the Township of Macomb, Macomb County, Michigan, more particularly described in Exhibit "A" attached hereto (the "Land"); and

WHEREAS, the Macomb Township Board, acting under the authority of Public Act 198 of 1974, hereinafter referred to as "the Act", did, on **August 23, 2017**, designate as an Industrial Development District the following real property located in Macomb Township, Macomb County, Michigan:

PARCEL IDENTIFICATION NUMBER: 08-36-278-006, 46370 Erb Drive, Erb Industrial Park.

AMENDED PLAT OF LOT 1 OF ERB INDUSTRIAL PARK (L153, P26) LOTS 28, 29 & 30 9/17 Comb. from 08-36-278-003, 004 and 005.

WHEREAS the owner has requested the Township Board to approve a 13,203 square foot structure on this parcel as a Speculative Building as defined in Section 3(8) of the Act, and upon the conditions set forth in Section 9(4) of the Act.

WHEREAS, as a condition of the adoption of this resolution, the Speculative Building must be constructed less than nine (9) years before the filing of the application; and

WHEREAS, the Speculative Building won't/hasn't been occupied since completion of construction; and

WHEREAS, the Speculative Building otherwise qualifies under subsection (2)(e) of the Act; and

WHEREAS, the owner of the building has represented to the Township that the building will be for a single user and will not be divided for multiple users; and

WHEREAS, the Township Board is desirous of granting the application for a Speculative Building.

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

1. The application to construct a Speculative Building consisting of approximately 13,203 square feet on land described in Exhibit "A" be and is hereby declared and approved as a Speculative Building pursuant to the provisions of the Act.
2. The building shall be designated as a Speculative Building for a period of nine (9) years from and after its construction, unless revoked earlier as provided in Section 15 of the Act.
3. An application for Industrial Facilities Exemption Certificate may be submitted by the first user of such building which qualifies pursuant to provisions of the Act.

**MOTION by Krzeminski seconded by Smith to approve the Speculative Building for Chesterfield 5, LLC (Parcel No. 08-36-278-006) located at 46370 Erb Drive.**

**Roll Call:**

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

**Nays: None**

**Absent: Pozzi**

**RESOLUTION declared adopted this 23<sup>rd</sup> day of January, 2019.**

8. Public Hearing and Resolution for a Speculative Building Application by Chesterfield 5, LLC to be located at 46410 Erb Drive

Supervisor Dunn opened the public hearing at 7:07 p.m.

Charles Pierce, Records Manager provided background information for the application and indicated all approvals are in order.

Supervisor Dunn closed the public hearing at 7:08 p.m.

**RESOLUTION APPROVING APPLICATION FOR SPECULATIVE BUILDING**

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 January 23<sup>rd</sup>, 2019, at 7:00 o'clock P.M. Eastern Daylight Savings Time.

PRESENT: Dunn, Goodhue, Bussineau, Krzeminski, Nevers, Smith

ABSENT: Pozzi

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

WHEREAS, Chesterfield 5, LLC is the owner of land in the Township of Macomb, Macomb County, Michigan, more particularly described in Exhibit "A" attached hereto (the "Land"); and

WHEREAS, the Macomb Township Board, acting under the authority of Public Act 198 of 1974, hereinafter referred to as "the Act", did, on **August 23, 2017**, designate as an Industrial Development District the following real property located in Macomb Township, Macomb County, Michigan:

PARCEL IDENTIFICATION NUMBER: 08-36-278-006, 46410 Erb Drive, Erb Industrial Park.

AMENDED PLAT OF LOT 1 OF ERB INDUSTRIAL PARK (L153, P26) LOTS 28, 29 & 30 9/17 Comb. from 08-36-278-003, 004 and 005.

WHEREAS the owner has requested the Township Board to approve a 23,981 square foot structure on this parcel as a Speculative Building as defined in Section 3(8) of the Act, and upon the conditions set forth in Section 9(4) of the Act.

WHEREAS, as a condition of the adoption of this resolution, the Speculative Building must be constructed less than nine (9) years before the filing of the application; and

WHEREAS, the Speculative Building won't/hasn't been occupied since completion of construction; and

WHEREAS, the Speculative Building otherwise qualifies under subsection (2)(e) of the Act; and

WHEREAS, the owner of the building has represented to the Township that the building will be for a single user and will not be divided for multiple users; and

WHEREAS, the Township Board is desirous of granting the application for a Speculative Building.

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

4. The application to construct a Speculative Building consisting of approximately 23,981 square feet on land described in Exhibit "A" be and is hereby declared and approved as a Speculative Building pursuant to the provisions of the Act.
5. The building shall be designated as a Speculative Building for a period of nine (9) years from and after its construction, unless revoked earlier as provided in Section 15 of the Act.
6. An application for Industrial Facilities Exemption Certificate may be submitted by the first user of such building which qualifies pursuant to provisions of the Act.

**MOTION by Goodhue seconded by Nevers to approve the Speculative Building for Chesterfield 5, LLC (Parcel No. 08-36-278-006) located at 46410 Erb Drive.**

**Roll Call:**

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

**Nays: None**

**Absent: Pozzi**

**RESOLUTION declared adopted this 23<sup>rd</sup> day of January, 2019**

## **NEW BUSINESS**

### **ENGINEERING DEPARTMENT:**

9. Request to Approve the Extension of Time for Landscape and Concrete Improvements for Pheasant Run Phase 1 – TND until June 1, 2019

Patrick Meagher, Planning Director provided background information for the request for time extension.

**MOTION by Krzeminski seconded by Goodhue to Approve the Extension of Time for Landscape and Concrete Improvements for Pheasant Run Phase 1 – TND until June 1, 2019.**

**MOTION carried.**

10. Request to Approve the Extension of Time for Landscape Improvements for Brookridge Estates Site Condominiums until June 1, 2019

Patrick Meagher, Planning Director provided background information for the request for time extension.

**MOTION by Krzeminski seconded by Goodhue to Approve the Extension of Time for Landscape Improvements for Brookridge Estates Site Condominiums until June 1, 2019.**

**MOTION carried.**

11. Request to Approve the Preliminary Site Plan for Clinton-Macomb Public Library

Patrick Meagher, Planning Director gave an update on the Town Center Committee actions to date for the North Branch project.

**MOTION by Krzeminski seconded by Goodhue to approve the Preliminary Site Plan for Clinton-Macomb Public Library subject to the dumpster enclosure being dimensioned and properly sized to meet ordinance requirements and removing all notes from all sheets indicating that Broughton Road improvements were to be “by others”.**

**MOTION carried.**

#### **FIRE DEPARTMENT:**

12. **Request to Approve Authorization for Additional Services Agreement with Anderson, Eckstein and Westrick, Inc. in the Amount of \$31,500 for Design Services for the Underground Water Retention System for the New Public Safety Building**

Fire Chief Robert Phillips provided background information for the request.

**MOTION by Krzeminski seconded by Goodhue to Approve Authorization for Additional Services Agreement with Anderson, Eckstein and Westrick, Inc. in the Amount of \$31,500 for Design Services for the Underground Water Retention System for the New Public Safety Building.**

**MOTION carried.**

13. Request to Promote Two Probationary Firefighters

Fire Chief Robert Phillips provided background information for the request.

**MOTION by Krzeminski seconded by Goodhue to Approve the Promotion of Probationary Firefighters Mark Antoun and Travis Christy to the Position of Paid-On-Call Firefighter.**

**MOTION carried.**

Firefighters Antoun and Christy were presented with their badges by Chief Phillips and were recognized by the Board.

#### **FACILITIES AND GROUNDS DEPARTMENT:**

14. Request to Approve Purchase of One Pickup Truck for the Building Department and Approval to Sell One Existing Township Vehicle

Jason Gelle, Facilities and Grounds Manager provided background for the request.

**MOTION by Krzeminski seconded by Goodhue to Approve the Purchase of one 2019 Ford F-150 for the Building Department in the Amount of \$22,530.00 from Signature Ford.**

**MOTION carried.**

**MOTION by Krzeminski seconded by Nevers to Authorize the Sale of One 2011 GMC Sierra on Craigslist.**

**MOTION carried.**

#### **HUMAN RESOURCES/GENERAL COUNSEL DEPARTMENT:**

15. Request to Approve Resolution Regarding Acquisition of Property and Approve Declaration of Necessity and Taking (48885 Romeo Plank Road – 2017 Pathway Gap Closure Program)

Thomas Esordi, General Counsel provided background information regarding the resolution.

**RESOLUTION CONCERNING THE ACQUISITION OF PROPERTY AND  
APPROVING DECLARATION OF NECESSITY AND TAKING**

Township of Macomb  
County of Macomb, Michigan

Minutes of a Regular Meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on January 23, 2019, at 7:00 P.M. Eastern Daylight Savings Time.

PRESENT: Bussineau, Krzeminski, Nevers, Smith, Goodhue, Dunn

ABSENT: Pozzi

The following preamble and Resolution were offered by Member Krzeminski and supported by Member Smith.

WHEREAS, present conditions in the Township of Macomb, Macomb County, Michigan, necessitate the construction of a public sidewalk across Parcel No. 08-29-226-014 (the "Improvements"), more commonly known as 48885 Romeo Plank Road, in the Township of Macomb, Macomb County, State of Michigan, to-wit:

**PARCEL DESCRIPTION (08-29-226-014)**  
**(Per Macomb County Tax Rolls)**

**PROPERTY DESCRIPTION**

PART OF THE NORTHEAST 1/4 OF SECTION 29, TOWN 3 NORTH, RANGE 13 EAST, MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING 251.5 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 29; THENCE SOUTH 82.5 FEET; THENCE WEST 8 CHAINS (528.0 FEET); THENCE NORTH 82.5 FEET; THENCE EAST 8 CHAINS (528.0 FEET) TO THE POINT OF BEGINNING.

**PERMANENT EASEMENT DESCRIPTION**

A 10-FOOT WIDE EASEMENT, 5 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE NORTHEAST 1/4 CORNER OF SECTION 29 T3N, R13E MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN; THENCE ALONG THE NORTH-SOUTH 1/4 LINE S2°58'26"E 251.50 FEET; THENCE ALONG THE NORTH PROPERTY LINE S87°01'34W 40.67 FEET TO THE POINT OF BEGINNING; THENCE S2°58'26"E 82.50 FEET TO THE POINT OF ENDING ALONG THE SOUTH PROPERTY LINE.

SAID PERMANENT EASEMENT CONTAINS 825 SQUARE FEET, MORE OR LESS

WHEREAS, plans for the Improvements are on file with the Township Clerk's Office; and

WHEREAS, it has been determined that said Improvements are necessary for the use and benefit of the public; and

WHEREAS, in order to construct said Improvements, it is necessary that the Township acquire a permanent easement for public sidewalk to the above-described real estate; and

WHEREAS, the Township has caused a valuation of the subject property to be prepared; and

WHEREAS, value of the easement over the subject property is One Thousand Sixty-Four Dollars and Zero Cents (\$1,064.00); and

WHEREAS, the Township has determined that it is in the best interests of the Township to offer to purchase the easement over the subject property from the owner of such property, and to take such other actions as are deemed necessary to acquire the subject property for the purposes of constructing the improvements; and

NOW, THEREFORE, BE IT RESOLVED, by the authority vested in Macomb Township by law, that it is hereby declared and determined that it is necessary to construct a public sidewalk across Parcel No. 08-29-226-014 (the "Improvements") under and through the above-described property within the Township of Macomb in accordance with the plans prepared by the Township, and that said Improvements are necessary for the use and benefit of the public; and

BE IT FURTHER RESOLVED, that the Township Supervisor or her designee is hereby authorized to execute, on behalf of the Township, a good faith Offer to Purchase, a copy of which is attached hereto as Exhibit A, calling for the payment of One Thousand Sixty-Four Dollars and Zero Cents (\$1,064.00) for a permanent easement for public sidewalk over the subject property. The above amounts have been established as just compensation for the acquisition of the property, based upon a valuation of the property and the desire to complete the sale short of litigation.

BE IT FURTHER RESOLVED, that after the execution of the good faith Offer to Purchase by the Township Supervisor, the good faith Offer to Purchase shall be submitted to the owners of the property;

BE IT FURTHER RESOLVED, that in the event the Sellers fail to accept the good faith Offer to Purchase within fourteen (14) days of the date of delivery, the Township Supervisor is hereby authorized to execute the Declaration of Taking, which is attached hereto as Exhibit B;

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, the Township Supervisor, Township Clerk, and Township Attorney are authorized to take all actions required to obtain a permanent easement of public sidewalk in the subject property by eminent domain.

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, and the Declaration is executed, the Township Treasurer is authorized and directed to place an amount equal to the amount contained in the good faith offer that was made to the property owners into a separate account and to hold such money on deposit as the estimated amount of just compensation to be paid in connection with the eminent domain proceedings.

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

**AYES: Krzeminski, Smith, Bussineau, Nevers, Goodhue, Dunn**

**NAYES: None**

**RESOLUTION DECLARED ADOPTED.**

### **DECLARATION OF TAKING**

A Resolution of Necessity having been adopted by the Township Board of the Township of Macomb setting forth that present conditions necessitate the construction of a public sidewalk across Parcel No. 08-29-226-014, more commonly known as 48885 Romeo Plank Road, in the Township of Macomb, Macomb County, State of Michigan, in the interest of the public health, safety, and welfare, and that it is necessary to acquire a Permanent Easement for Public Sidewalk over the property within Macomb Township for said Improvements, and acknowledging that a good faith written offer to purchase said property has been made and not accepted.

NOW, THEREFORE, by virtue of the authority vested in Macomb Township, by Act 279 of the Public Acts of 1909, as amended, and/or Act 149 of the Public Acts of 1911, as amended, or other applicable statutes, and in accordance with the provisions of Act 87 of Public Acts of 1980, as amended, it is now declared and determined that the easement property hereinafter described shall be taken for the purpose of constructing a public sidewalk, in accordance with prepared

plans showing said Improvements which are on file with the Township Clerk's Office.

A statement of the estate of interest in the property being taken; a description of the property to be acquired, sufficient for its identification; the name of each known owner of said property; the name of each known person, other than the owner, having an interest in said property; a statement of the sum of money estimated by Macomb Township as just compensation for the property being acquired; and a statement whether Macomb Township reserves or waives its rights to bring federal or state cost recovery actions against the present owner of the property are as follows:

1. Statement of the Estate of Interest Being Taken and Description of the Property.

**PARCEL DESCRIPTION (08-29-226-014)**  
**(Per Macomb County Tax Rolls)**

**PROPERTY DESCRIPTION**

PART OF THE NORTHEAST 1/4 OF SECTION 29, TOWN 3 NORTH, RANGE 13 EAST, MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING 251.5 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 29; THENCE SOUTH 82.5 FEET; THENCE WEST 8 CHAINS (528.0 FEET); THENCE NORTH 82.5 FEET; THENCE EAST 8 CHAINS (528.0 FEET) TO THE POINT OF BEGINNING.

**PERMANENT EASEMENT DESCRIPTION**

A 10-FOOT WIDE EASEMENT, 5 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE NORTHEAST 1/4 CORNER OF SECTION 29 T3N, R13E MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN; THENCE ALONG THE NORTH-SOUTH 1/4 LINE S2'58'26"E 251.50 FEET; THENCE ALONG THE NORTH PROPERTY LINE S87°01'34W 40.67 FEET TO THE POINT OF BEGINNING; THENCE S2'58'26"E 82.50 FEET TO THE POINT OF ENDING ALONG THE SOUTH PROPERTY LINE.

SAID PERMANENT EASEMENT CONTAINS 825 SQUARE FEET, MORE OR LESS

Subject to all easements and restrictions of record, if any.

2. Names of Property Owner: Kenneth J. Libby and Karen M. Libby,

- husband and wife
3. Names of each person, other than the Owners, having a potential interest in the property: None appearing in the public records.
  4. Value of Easements based on assessing records:  
Permanent Easement for Public Sidewalk: \$1,064.00.
  5. Macomb Township reserves its rights to bring Federal or State cost recovery actions against the present owner of the property.
16. Request to Approve Resolution Regarding Acquisition of Property and Approve Declaration of Necessity and Taking (17880 22 Mile Road – 2017 Pathway Gap Closure Program)

Thomas Esordi, General Counsel provided background information regarding the resolution.

**RESOLUTION CONCERNING THE ACQUISITION  
OF PROPERTY AND APPROVING DECLARATION OF NECESSITY AND TAKING**

Township of Macomb  
County of Macomb, Michigan

Minutes of a Regular Meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on January 23, 2019, at 7:00 P.M. Eastern Daylight Savings Time.

PRESENT: Bussineau, Krzeminski, Nevers, Smith, Goodhue, Dunn  
ABSENT: Pozzi

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

WHEREAS, present conditions in the Township of Macomb, Macomb County, Michigan, necessitate the construction of a public sidewalk across Parcel No. 08-29-201-011 (the "Improvements"), more commonly known as 17880 22 Mile Road, in the Township of Macomb, Macomb County, State of Michigan, to-wit:

**PARCEL DESCRIPTION (08-29-201-011)**  
**(Per Macomb County Tax Rolls)**

**PARCEL**

A PARCEL OF LAND LOCATED IN AND BEING A PART OF THE NORTHEAST 1/4 OF SECTION 29, TOWN 3 NORTH, RANGE 13 EAST, MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT A POINT 667.32 FEET NORTH 87 DEGREES 56' 02' EAST OF THE NORTH 1/4

POST OF SAID SECTION 29, AND THENCE EXTENDING NORTH 87 DEGREES 56' 02' EAST 90.00 FEET; THENCE SOUTH 01 DEGREES 55' 48" EAST 200.00 FEET; THENCE SOUTH 87 DEGREES 56' 02" WEST 90. 00 FEET; THENCE NORTH 01 DEGREES 55' 48" WEST 200.00 FEET TO THE POINT OF BEGINNING.

PERMANENT EASEMENT

A 10-FOOT WIDE EASEMENT, 5 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 29, T3N, R13E, MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN; THENCE N86°58'09"E, 667.32 FEET; THENCE S2°54'46"E, 35.58 FEET ALONG THE WEST PROPERTY LINE TO THE POINT OF BEGINNING; THENCE N86°58'09"E 36.72 FEET TO THE POINT OF CURVATURE OF A 25 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 16.04 FEET, LONG CHORD BEARING S74°38'59"E 15.77 FEET; THENCE S56°16'07"E 15.83 FEET TO THE POINT OF CURVATURE OF A 25 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 16.04 FEET, LONG CHORD BEARING S74°38' 59" E 15. 77 FEET; THENCE N86°58'09" E 10.63 FEET TO THE POINT OF ENDING ON THE EAST PROPERTY LINE.

SAID PERMANENT EASEMENT CONTAINS 953 SQUARE FEET, MORE OR LESS.

WHEREAS, plans for the Improvements are on file with the Township Clerk's Office; and

WHEREAS, it has been determined that said Improvements are necessary for the use and benefit of the public; and

WHEREAS, in order to construct said Improvements, it is necessary that the Township acquire a permanent easement for public sidewalk to the above-described real estate; and

WHEREAS, the Township has caused a valuation of the subject property to be prepared; and

WHEREAS, value of the easement over the subject property is Three Thousand One Hundred and Fourteen Dollars and Zero Cents (\$3,114.00); and

WHEREAS, the Township has determined that it is in the best interests of the Township to offer to purchase the easement over the subject property from the owner of such property, and to take such other actions as are deemed necessary to acquire the subject property for the purposes of constructing the improvements; and

NOW, THEREFORE, BE IT RESOLVED, by the authority vested in Macomb Township by law, that it is hereby declared and determined that it is necessary to construct a public sidewalk across Parcel No. 08-29-201-011 (the "Improvements") under and through the above-described property within the Township of Macomb in accordance with the plans prepared by the Township, and that said Improvements are necessary for the use and benefit of the public; and

BE IT FURTHER RESOLVED, that the Township Supervisor or her designee is hereby authorized to execute, on behalf of the Township, a good faith Offer to Purchase, a copy of which is attached hereto as Exhibit A, calling for the payment of Three Thousand One Hundred and Fourteen Dollars and Zero Cents (\$3,114.00) for a permanent easement for public sidewalk over the subject property. The above amounts have been established as just compensation for the acquisition of the property, based upon a valuation of the property and the desire to complete the sale short of litigation.

BE IT FURTHER RESOLVED, that after the execution of the good faith Offer to Purchase by the Township Supervisor, the good faith Offer to Purchase shall be submitted to the owners of the property;

BE IT FURTHER RESOLVED, that in the event the Sellers fail to accept the good faith Offer to Purchase within fourteen (14) days of the date of delivery, the Township Supervisor is hereby authorized to execute the Declaration of Taking, which is attached hereto as Exhibit B;

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, the Township Supervisor, Township Clerk, and Township Attorney are authorized to take all actions required to obtain a permanent easement of public sidewalk in the subject property by eminent domain.

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, and the Declaration is executed, the Township Treasurer is authorized and directed to place an amount equal to the amount contained in the good faith offer that was made to the property owners into a separate account and to hold such money on deposit as the estimated amount of just compensation to be paid in connection with the eminent domain proceedings.

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

**AYES:** Krzeminski, Goodhue, Bussineau, Nevers, Smith, Dunn

**NAYES:** None

**RESOLUTION DECLARED ADOPTED.**

### **DECLARATION OF TAKING**

A Resolution of Necessity having been adopted by the Township Board of the Township of Macomb setting forth that present conditions necessitate the construction of a public sidewalk across Parcel No. 08-29-201-011, more commonly known as 17880 22 Mile Road, in the Township of Macomb, Macomb County, State of Michigan, in the interest of the public health, safety, and welfare, and that it is necessary to acquire a Permanent Easement for Public Sidewalk over the property within Macomb Township for said Improvements, and acknowledging that a good faith written offer to purchase said property has been made and not accepted.

NOW, THEREFORE, by virtue of the authority vested in Macomb Township, by Act 279 of the Public Acts of 1909, as amended, and/or Act 149 of the Public Acts of 1911, as amended, or other applicable statutes, and in accordance with the provisions of Act 87 of Public Acts of 1980, as amended, it is now declared and determined that the easement property hereinafter described shall be taken for the purpose of constructing a public sidewalk, in accordance with prepared plans showing said Improvements which are on file with the Township Clerk's Office.

A statement of the estate of interest in the property being taken; a description of the property to be acquired, sufficient for its identification; the name of each known owner of said property; the name of each known person, other than the owner, having an interest in said property; a statement of the sum of money estimated by Macomb Township as just compensation for the property being acquired; and a statement whether Macomb Township reserves or waives its rights to bring federal or state cost recovery actions against the present owner of the property are as follows:

1. Statement of the Estate of Interest Being Taken and Description of the Property.

### **PARCEL DESCRIPTION (08-29-201-011)** **(Per Macomb County Tax Rolls)**

#### **PARCEL**

A PARCEL OF LAND LOCATED IN AND BEING A PART OF THE NORTHEAST 1/4 OF SECTION 29, TOWN 3 NORTH, RANGE 13 EAST, MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT A POINT 667.32 FEET NORTH 87 DEGREES 56' 02' EAST OF THE NORTH 1/4 POST OF SAID SECTION 29, AND THENCE EXTENDING NORTH 87 DEGREES 56' 02' EAST 90.00 FEET; THENCE SOUTH 01 DEGREES 55' 48" EAST 200.00 FEET; THENCE SOUTH 87 DEGREES 56' 02" WEST 90. 00 FEET; THENCE NORTH 01 DEGREES 55' 48" WEST 200.00 FEET TO THE POINT OF BEGINNING.

PERMANENT EASEMENT

A 10-FOOT WIDE EASEMENT, 5 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 29, T3N, R13E, MACOMB TOWNSHIP, MACOMB COUNTY, MICHIGAN; THENCE N86°58'09"E, 667.32 FEET; THENCE S2°54'46"E, 35.58 FEET ALONG THE WEST PROPERTY LINE TO THE POINT OF BEGINNING; THENCE N86°58'09"E 36.72 FEET TO THE POINT OF CURVATURE OF A 25 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 16.04 FEET, LONG CHORD BEARING S74°38'59"E 15.77 FEET; THENCE S56°16'07"E 15.83 FEET TO THE POINT OF CURVATURE OF A 25 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 16.04 FEET, LONG CHORD BEARING S74°38' 59" E 15. 77 FEET; THENCE N86°58'09" E 10.63 FEET TO THE POINT OF ENDING ON THE EAST PROPERTY LINE.

SAID PERMANENT EASEMENT CONTAINS 953 SQUARE FEET, MORE OR LESS.

Subject to all easements and restrictions of record, if any.

2. Names of Property Owner: Thomas M. Van Damme and Dixie L. Van Damme, husband and wife
3. Names of each person, other than the Owners, having a potential interest in the property: Genisys Credit Union (T&C Federal Credit Union), Macomb Township, and American Telephone and Telegraph Company.
4. Value of Easements based on assessing records:  
  
Permanent Easement for Public Sidewalk: \$3,114.00.
5. Macomb Township reserves it rights to bring Federal or State cost recovery actions against the present owner of the property.

**SUPERVISORS OFFICE:**

17. Request to Appoint One Historical Commission Member to a 3-Year Term Ending 12/31/2021

**MOTION by Krzeminski seconded by Nevers to Appoint Joseph Witulski to the Historical Commission for a Term Ending 12/31/2021.**

**MOTION carried.**

18. Request to Appoint One Planning Commission Member to Fill Vacancy until 12/31/2019

**MOTION by Krzeminski seconded by Goodhue to Appoint Richard Bentley to fill the Vacant Planning Commission seat for a Term Ending 12/31/2019.**

**MOTION carried.**

**WATER AND SEWER DEPARTMENT:**

19. Request Approval to Pay Construction Pay Estimate No. 4; Sanitary Sewer Cleaning & CCTV Investigation & FCIPP Lining. Contract 0249-0146

Gerry Wangelin, Water and Sewer Superintendent provided background information for the pay request.

**MOTION by Krzeminski seconded by Goodhue to Approve Pay Construction Pay Estimate No. 4; Sanitary Sewer Cleaning & CCTV Investigation & FCIPP Lining to Diversified Infrastructure Services in the amount of \$7,297.66. Contract 0249-0146.**

**MOTION carried.**

**ENGINEERING DEPARTMENT:**

20. Request to Approve Release of Easement for Storm Sewer for Strathmore Site Condominiums II

**MOTION by Krzeminski seconded Nevers by to Approve Release of Easement for Storm Sewer for Strathmore Site Condominiums II.**

**MOTION carried.**

21. Request to Approve Release of Easement for Variable Width Access Road for Strathmore Site Condominiums II

**MOTION by Krzeminski seconded by Goodhue to Approve Release of Easement for Variable Width Access Road for Strathmore Site Condominiums II.**

**MOTION carried.**

22. Request to Approve Proposal for Professional Engineering Services for the Rehabilitation of the Waldenburg Park Boardwalk and Drainage Improvements

**MOTION by Krzeminski seconded by Goodhue to Approve Proposal for Professional Engineering Services for the Rehabilitation of the Waldenburg Park Boardwalk and Drainage Improvements from Fishbeck, Thompson, Carr & Huber in the amount of \$44,800.00**

**MOTION carried.**

23. Request for Authorization to Begin Design Work for Macomb Corners Park/Civic Center Pathway

**MOTION by Goodhue seconded by Bussineau to Authorize Design Work for Macomb Corners Park/Civic Center Pathway.**

**MOTION carried.**

24. Request for Authorization to Begin Design Work for Country Club Drive Parallel Sanitary Sewer and Lead Reconnection

**MOTION by Krzeminski seconded by Goodhue to Authorize Design Work for Country Club Drive Parallel Sanitary Sewer and Lead Reconnection.**

**MOTION carried.**

25. Request to Adjust Engineering Plan Review Fees

**MOTION by Krzeminski seconded by Smith to Adjust Engineering Plan Review Fees based on the current-year CPI number from 680.54 to 688.70.**

**MOTION carried.**

26. Request to Approve Anderson, Eckstein and Westrick, Inc. (AEW) New Hourly Rate Schedule Approve Anderson, Eckstein and Westrick, Inc. (AEW) New Hourly Rate Schedule

**MOTION by Krzeminski seconded by Nevers to Approve Anderson, Eckstein and Westrick, Inc. (AEW) New Hourly Rate Schedule in accordance with the original agreement, effective immediately through December 31, 2020.**

**MOTION carried.**

27. Request to Approve Amendment 01 to the General Consultant Services Agreement for Professional Services Between Macomb Township and Fishbeck Thompson Carr & Huber, Inc.

**MOTION by Krzeminski seconded by Goodhue to Approve Amendment 01 to the General Consultant Services Agreement for Professional Services Between Macomb Township and Fishbeck Thompson Carr & Huber, Inc.  
MOTION carried.**

### **Public Comments, Non-Agenda Items Only**

There were no public comments.

### **BOARD COMMENTS**

Supervisor Comments

Supervisor Dunn announced the Friends of Macomb Township Foundation Scholarship for high school seniors. Applications for the \$1,000 scholarship are available in the Town Hall lobby.

Clerk Comments - None

Treasurer Comments - None

Trustees Comments

Trustee Bussineau spoke regarding the role of the Purchasing Specialist.

Trustee Krzeminski commended the Facilities and Grounds Department for their work decorating the Town Hall basement for the employee Christmas Party.

### **CLOSED SESSION**

28. Consideration of the Purchase of Real Property Prior to Obtaining and Option to Purchase that Real Property. Closed Session per MCL 15.268(d)
29. Employee Discipline. Closed Session per MCL 15.268(a)
30. Status of Contract Negotiations with AFSCME Chapter Local 1917.43, Michigan Council 25. Closed Session per MCL 15.268(c)

**MOTION by Bussineau seconded by Goodhue to adjourn to Closed Session.**

**Roll Call:**

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

**Nays: None**

**Absent: Pozzi**

**MOTION carried.**

The Board entered closed session at 7:51p.m. and reconvened into open session at 10:10 p.m.

**MOTION by Krzeminski seconded by Bussineau to authorize legal counsel to proceed with negotiations up to purchase price as discussed for Parcel 1.**

**MOTION carried.**

**MOTION by Krzeminski seconded by Smith to authorize legal counsel to proceed with negotiations up to purchase price as discussed for Parcel 2.**

**MOTION carried.**

**MOTION by Krzeminski seconded by Goodhue to authorize legal counsel to negotiate Letter of Agreement and Planner to proceed with grant applications for Parcel 3.**

**MOTION carried.**

**Motion by Krzeminski seconded by Nevers to suspend employee No. 65 for three days, without pay, beginning January 25, 2019 and returning to work on January 30, 2019 based on the charges described in the January 10, 2019 Loudermill Letter regarding activity on November 28, 2018.**

**MOTION carried.**

No action taken on Item 30. Informational only.

## **ADJOURNMENT**

**MOTION by Krzeminski seconded by Nevers to adjourn the Board meeting at 10:13 p.m.**

**MOTION carried.**

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES  
WEDNESDAY, JANUARY 23, 2019

APPROVED

Respectfully submitted,

---

Janet I. Dunn  
Macomb Township Supervisor

---

Kristi Pozzi  
Macomb Township Clerk