



# MACOMB TOWNSHIP *Michigan*

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES  
WEDNESDAY, JANUARY 27, 2021

LOCATION: VIDEO 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:**

All Board members announced they were participating remotely from Macomb Township, Macomb County, Michigan.

2. Approval of Agenda Items (with any corrections)

**MOTION by Kristi L. Pozzi seconded by Frank A. Cusumano Jr. to approve the agenda as amended with the postponement of Item 16; Request to collect the 2021 summer taxes for the Macomb Intermediate School District pursuant to the terms of Section 1611 of Public Act 333 of 1982 at a per parcel charge of \$1.75 and collect the 2021 summer taxes for Macomb Community College pursuant to the terms of Section 1611 of Public Act 333 of 1982 at a per parcel charge of \$1.75 and the addition of Item 17, Resolution to Authorize Supervisor to Execute Closing of Property on 26 Mile Road.**

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

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

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

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 January 13, 2021

**MOTION by Kristi L. Pozzi seconded by Leon Drolet to approve meeting minutes from January 13, 2021 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.**

**CONSENT AGENDA ITEMS:**

5. Water and Sewer Department

- a. Request Approval to Release the Restoration Bond for Villas of Villagio; Florence Cement Company. (\$5,000.00)
- b. Request Approval to Release the Restoration Bond for Stillwater Crossing; Florence Cement Co. (\$5,000.00)
- c. Request Approval to Release the Restoration Bond for Wellington Estates Phase 1.; Florence Cement Co. (\$5,000.00)

6. Engineering Department

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- a. Request to Approve Partial Site Development Bond Release for Precision Surgery Center (\$33,304.50)
  - b. Request to Approve Partial Site Development Bond Release for Enclave at Legacy Estates Phase 3 (\$617,420.00)
7. Supervisor's Office
- a. Change to Expiration Dates for Ethics Board

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

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

There were no public comments.

**NEW BUSINESS:**

**WATER AND SEWER DEPARTMENT:**

8. Request to Adopt the annual Michigan Department of Transportation Performance Resolution for Government Agencies for Renewal of the Annual Construction Permit for Operations within the State Highway Right-of-Way.

Item presented by Water and Sewer Superintendent Gerry Wangelin.

**MOTION by Charles Oliver seconded by Nancy J. Nevers to approve the Request to Adopt the annual Michigan Department of Transportation Performance Resolution for Government Agencies for Renewal of the Annual Construction Permit for Operations within the State Highway Right-of-Way. (No Permit Fee Required for Government Agencies).**

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

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

**Leon Drolet, Kristi L. Pozzi, Frank J. Viviano**  
**Nays - None**  
**Abstain - None**

**THE MOTION Passed.**

**HUMAN RESOURCES DEPARTMENT:**

9. Request to initiate the recruitment process for a Secretary

Item presented by Human Resources Specialist Sharalyn Arft.

**MOTION by Kristi L. Pozzi seconded by Leon Drolet to approve the request to initiate the recruitment process for the position of Secretary.**

**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.**

**PLANNING AND ZONING DEPARTMENT:**

10. Rezoning Request; Agricultural (AG) to Residential One Family Urban (R-1); Located on the south side of 24 Mile Road and 1/4 mile east of Romeo Plank Road; Permanent Parcel #08-16-100-005

Item presented by Township Planner Josh Bocks.

**MOTION by Kristi L. Pozzi seconded by Leon Drolet to accept Planning Commission recommendation for the rezoning request; Agricultural (AG) to Residential One Family Urban (R-1); Located on the south side of 24 Mile Road and 1/4 mile east of Romeo Plank Road; Permanent Parcel #08-16-100-005**

**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.**

11. Deviation Requests; Multiple Deviations; Macomb Town Center II, III, IV and V; Located on the north side of 24 Mile Road and east of Romeo Plank Road; Permanent Parcel #08-09-300-017

Item presented by Township Planner Josh Bocks.

**MOTION by Leon Drolet seconded by Kristi L. Pozzi to accept the Town Center Committee recommendation and approve the Deviation Request; Multiple Deviations; Macomb Town Center II, III, IV and V; Located on the north side of 24 Mile Road and east of Romeo Plank Road; Permanent Parcel #08-09-300-017**

**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.**

12. Site Plan; Macomb Town Center II, III, IV and V; Located on the north side of 24 Mile Road and east of Romeo Plank Road; Permanent Parcel #08-09-300-017

Item presented by Township Planner Josh Bocks.

**MOTION by Leon Drolet seconded by Kristi L. Pozzi to accept Town Center Committee recommendation to approve the Preliminary Plan Request; Macomb Town Center II, III, IV and V; Located on the north side of 24 Mile Road and east of Romeo Plank Road; Permanent Parcel #08-09-300-017**

**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.**

13. Second Amendment to the Consent Judgement Approval; Elite Corporate Park; Located on the south side of 23 Mile Road, west of Romeo Plank Road; Permanent Parcel #08-20-100-018

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Item presented by Township Planner Josh Bocks.

**MOTION by Leon Drolet seconded by Kristi L. Pozzi to approve the Second Amendment to the Consent Judgement; Elite Corporate Park; Located on the south side of 23 Mile Road, west of Romeo Plank Road; Permanent Parcel #08-20-100-018**

**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.**

**FIRE DEPARTMENT:**

14. Request to Approve Change Order No. 10

Item presented by Fire Chief Robert Phillips.

**MOTION by Charles Oliver seconded by Kristi L. Pozzi to Approve Change Order No. 10 in the amount of \$47,133.44.**

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

**Ayes - 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.**

**Kristi L. Pozzi,**

**ASSESSING DEPARTMENT:**

15. Poverty Exemption Resolution Revision

Item presented by 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 Wednesday the 27<sup>th</sup> of January, 2021.

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

MEMBERS ABSENT: None

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

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 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 prior tax year 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 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. If a person meets all eligibility requirements in statute, the Board of Review must grant a full exemption equal to a 100% reduction in taxable value OR a partial exemption equal to a 25% or 50% reduction in taxable value OR any other percentage of reduction in taxable value approved by the State Tax Commission.

In granting Poverty Exemptions, the Board of Review realizes that this represents a shift of

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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 1<sup>st</sup> 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. Applicants meeting all eligibility requirements will be scheduled for an appointment to appear before the Board of Review.
2. 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*



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*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](http://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.

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.

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3. 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.
- 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.

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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.

It is not the intent of the Township to adopt a policy of an individual being "automatically entitled" to exemption.

**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**

**RESOLUTION declared adopted this 27<sup>th</sup> day of January, 2021.**

**TREASURER'S OFFICE:**

16. **Propose to Amend:** Request to collect the 2021 summer taxes for the Macomb Intermediate School District pursuant to the terms of Section 1611 of Public Act 333 of 1982 at a per parcel charge of \$1.75 and collect the 2021 summer taxes for Macomb

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Community College pursuant to the terms of Section 1611 of Public Act 333 of 1982 at a per parcel charge of \$1.75

Item postponed. No action taken.

**SUPERVISOR'S OFFICE:**

17. Resolution to Authorize Supervisor to Execute Closing of Property on 26 Mile Road

Item presented by Supervisor Viviano.

**RESOLUTION AUTHORIZE TOWNSHIP SUPERVISOR TO EXECUTE PURCHASE AGREEMENT WITH SIX RIVERS LAND CONSERVANCY**

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 27, 2021, 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 Pozzi and supported by Lucido.

WHEREAS, the Macomb Township Board of Trustees at the May 8, 2019 Regular Board Meeting authorized the Township's execution of a purchase agreement with Six River Land Conservancy for the Township to purchase certain land as further described in the purchase agreement from Six Rivers Land Conservancy; and

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

1. Upon recommendation of the Township Supervisor in consultation with the Township Attorney, the Township Board hereby authorizes the Township Supervisor to proceed with the closing of the purchase of the property in accordance with the conditions set forth in the purchase agreement; negotiate and execute any and all documents ancillary to the closing on the purchase of the property in a form acceptable to the Township Supervisor in consultation with the Township Attorney; and deliver the purchase price at closing, plus or minus the Township's portion of closing costs as set forth in the purchase agreement.

**MOTION by Kristi L. Pozzi seconded by Peter J. Lucido III to adopt resolution to authorize Supervisor to execute closing of property on 26 Mile Road.**

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

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

**Nays - None**  
**Abstain – None**

**RESOLUTION Declared Adopted this 27<sup>th</sup> day of January, 2021.**

## **LEGAL COUNSEL UPDATE**

Jake Howlett from Bodman PLC provided a broad overview of the complexity, variety and volume of legal work required to guide the Township toward choosing permanent legal counsel.

## **BOARD COMMENTS:**

### Trustees Comments

Trustees Cusumano, Lucido and Nevers had no comments.  
Trustee Oliver spoke about the recent Planning Commission meeting.

### Treasurer Comments

Treasurer Drolet had no comments.

### Clerk Comments

Clerk Pozzi wished a member of her staff a Happy Birthday.

### Supervisor Comments

Supervisor Viviano announced the Board will hold a special meeting to select legal counsel and a new Human Resources Director on Monday, February 1, 2021 at 6:00 PM. The meeting will be conducted by Zoom video conference.

## **ADJOURNMENT**

**MOTION by Leon Drolet seconded by Frank A. Cusumano Jr. to adjourn the January 27, 2021 Board meeting at 07:45 PM.**

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

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

**Nay - None**

**Abstain - None**

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**THE MOTION Passed.**