



KAREN A. SPRANGER

Paul Kardasz
Chief Deputy Clerk

Macomb County
Clerk / Register of Deeds

Erin Stahl
Deputy Register of Deeds

TO: Court Customer - Electronic Filing Case

FROM: Karen A. Spranger
Macomb County Clerk / Register of Deeds
Name of Court Clerk who opened case: _____

CIRCUIT COURT CASE NO: 2017-000732-C7

CASE CAPTION: Graham -v- Macomb Township

This is to inform you that the above mentioned case is deemed an eFiling case
Pursuant to Administrative Order No. 2010-06.

It is MANDATORY that all further filings in this matter are to be filed electronically
through the court's eFiling website at:

<http://www.truefiling.com>

Registration instructions, filing instructions, the administrative order and
frequently asked questions can be found on the court's website at:

<http://circuitcourt.macombgov.org/circuitcourt-efiling>

For truefiling technical support. Please call 1-855-959-8868 or send an email to
support@truefiling.com.

It is required that you serve this notification to all parties when perfecting service
on the complaint. Also if you have not previously provided your email address to
our office when submitting documents for filing, it is now required that you furnish
it in order for us to update our records accordingly.

If you need help in submitting your filing electronically, assistance is available in
the Circuit Court Law Library located on the 5th Floor. Computers, scanners and
staff are available to assist you during normal business hours 8 a.m - 4:30 p.m.

Clerk's Office

40 North Main Street, 1st Floor, Mount Clemens, MI 48043
586-469-5120, clerksoffice@macombgov.org
clerk.macombgov.org

Register of Deeds

32 Market Street, Mount Clemens, MI 48043
586-469-7953, registerofdeeds@macombgov.org
rod.macombgov.org

STATE OF MICHIGAN JUDICIAL DISTRICT 16th JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. 17- ^{-CZ} 17 - - 7 3 2 - C Z
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Court address

40 N Main St., Mt. Clemens, MI 48043

Court telephone no.

(586) 469-5208

Plaintiff's name(s), address(es), and telephone no(s).

Mark Grabow
c/o Deldin Law, PLLC

v

Defendant's name(s), address(es), and telephone no(s).

Macomb Township
54111 Broughton Road
Macomb, MI 48042

Plaintiff's attorney, bar no., address, and telephone no.

Marc A. Deldin (P71041)
Eric D. Shepherd (P81064)
48 S. Main, Ste 3
Mt. Clemens, MI 48043
(596) 741-8116

DIANE M. DRUZINSKI

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued MAR - 3 2017	This summons expires -- JUN - 2 2017	Court clerk Karen A. Spranger
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

COMPLAINT *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.**Family Division Cases**☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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General Civil Cases☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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VENUE

Plaintiff(s) residence (include city, township, or village) Macomb Township	Defendant(s) residence (include city, township, or village) Macomb Township
Place where action arose or business conducted Macomb Township	

03/03/2017

Date

Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

MARK GRABOW,

Plaintiff,

vs.

Case No. 17- -CZ

MACOMB TOWNSHIP,

Defendant.

DIANE M. DRUZINSKI

Deldin Law, PLLC
Marc A. Deldin (P71041)
Eric D. Shepherd (P81064)
Attorneys for Plaintiff
48 S. Main, Suite 3
Mount Clemens, MI 48043
P: (586) 741-8116
marc@deldinlaw.com

RECEIVED

MAR - 3 2017

KAREN A. SPRANGER
MACOMB COUNTY CLERK

There is no pending or resolved civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint.

COMPLAINT

Plaintiff, Mark Grabow, by and through his attorneys, Deldin Law, PLLC, states:

Case Summary

1. On December 21, 2016, the Macomb Township Board of Trustees went down the path of absurdity while cloaked from public scrutiny in a closed session contrary to the Open Meetings Act. During this closed session, and contrary to the stated purpose of that closed session, the Township Board created a new in-house legal position (General Counsel) and discussed and “negotiated” a sweetheart deal for the new General Counsel. These employment terms place the

General Counsel in a league of his own: a contract without an expiration date and a “just cause” termination provision.¹ The result – effective *lifetime employment* for the General Counsel – violates the Michigan Rules of Professional Conduct and illegally binds the hands of future Boards, both as to the General Counsel position and hiring outside legal counsel, as only the General Counsel can decide which law firms represent the Township.

Jurisdictional Allegations

2. Plaintiff, Mark Grabow, is a resident of Macomb Township, County of Macomb, State of Michigan. He is also the former Supervisor for the Township.

3. Defendant, Macomb Township (“Defendant” or “Township”), is a municipal corporation, operating as a Township under the laws of the state of Michigan situated in Macomb County, Michigan and is a public body as defined pursuant to MCL 15.262(a) of the Open Meetings Act.

4. This Court has jurisdiction pursuant to the Michigan Open Meetings Act (“OMA”), MCL 15.271(1) and (2).

Count I – Violation of the Open Meetings Act

5. Plaintiff restates paragraphs 1 through 4.

6. At all times relevant, the Township acted through its Board of Trustees (the “Board”) as a public body.

7. The OMA requires that all meetings of a public body shall be open to the public, should be held in a place available to the general public, and that all decisions of a public body shall be made at a meeting open to the public. MCL 15.263(1)

8. Deliberations and decisions by a public body, including the Board, shall occur at the

¹ While not at issue in this proceeding, it is worth noting that the agreement provides the General Counsel with a \$150,000 salary, more than 5 weeks of paid time off, full benefits, and **allows him to maintain a private law practice**, while also paying for his malpractice insurance.

meeting open to the public except for *deliberations* strictly construed under sections 7 and 8 of the OMA. MCL 15.263(3)

9. On December 21, 2016, the Board held a regular meeting ("12/21 Meeting").

10. Attached as Exhibit A is the agenda for the 12/21 Meeting ("Agenda").

11. Attached as Exhibit B is the approved minutes of the 12/21 Meeting.

12. Item 19 on the Agenda provides, in its entirety: "Review of compensation for all non-elected and non-union employees and appointees." (Ex. A)

13. At the 12/21 Meeting, a motion was made and approved to amend the Agenda and move Item 19 to a closed session. (Ex. B)

14. At the 12/21 Meeting, Trustee Dino Bucci made a motion, which the Board passed, to enter closed session:

CLOSED SESSION

MOTION by Bucci seconded by Goodhue to enter into closed session at 8:35 p.m. to discuss IAFF Grievance 2016-001, IAFF Grievance 2016-002, settlement discussion for Elite Sports Ventures case no. 2016-2235-CZ and review of compensation for all non-elected and non-union employees and appointees.

MOTION carried.

(Ex. B)

15. The Board used MCL 15.268(a) and (h) to purportedly justify moving Item 19 to a closed session. This statute provides:

A public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any

time, in which case the matter at issue shall be considered after the rescission only in open sessions.

(h) To consider material exempt from discussion or disclosure by state or federal statute.

16. The Board did not take a roll call vote when it voted to convene the closed session. (Ex.

B)

17. In voting to convene in closed session, the Board violated the OMA by failing to take the required roll call vote. *See* MCL 15.267(1) (requiring a 2/3 roll call vote to call a closed session).

18. Item 19 on the Agenda simply refers to a review of compensation for non-elected and non-union employees.

19. Item 19 on the Agenda did not specify any of the permitted reasons for discussion under MCL 15.268(a), nor did it specify the name of any person requesting the closed hearing for any permitted purpose.

20. The Board did not articulate any basis under MCL 15.268(h) for convening in closed session prior to convening the closed session. (Ex. B)

21. After the closed session, the Board reconvened in open session and immediately formulated and passed a series of motions which directed that the motion was occurring as discussed in closed session.

22. One such motion established the preparation and negotiation of a contract for the newly created position of General Counsel.

23. The motion, which the Board approved, provides:

MOTION by Pozzi seconded by Krzeminski to authorize the Supervisor's Office to negotiate terms and offer employment to Thomas Esordi as Human Resources Director with the expanded duties of General Counsel to be included with that position.

MOTION carried.

(Ex. B)

24. The Board never gave the public notice that the Board was going to deliberate upon the establishment of the General Counsel position.

25. The Board never gave the public notice that the Board was going to deliberate on the terms of conditions of the newly established position.

26. Upon information and belief, during the closed session, the Board discussed and deliberated with respect to the actual person that would be appointed to the newly created position of General Counsel, and that person's job duties, authority, and compensation, none of which was subject to public discussion or decision, nor included in the Agenda.

27. At the same closed section under that same Item 19, upon information and belief, the Board made decisions and deliberated with regards to the compensation and benefits of other Township officials, including those in the Clerk's office, Treasurer's office, and the Fire Department.

28. At the Board's January 11, 2017 meeting, the Township Supervisor specifically referenced the employment contract for the new General Counsel as being discussed in the closed session held during the 12/21 Meeting.

29. The establishment of the new position within the Township does not fall under any exemption for a closed session under the OMA.

30. Authorizing the Supervisor to negotiate the terms of an employment agreement for the

new position does not fall under any exemption for a closed session under the OMA.

Count II – Violation of Public Policy

31. Plaintiff restates paragraphs 1 through 30.

32. MCL 41.187 provides that “The township board of a township may employ an attorney to represent the township in civil matters and in the prosecution of violations of township ordinances.”

33. Attached as Exhibit C is an unsigned copy of the Employment Agreement between the Township and the new General Counsel (“Agreement”).

34. The Agreement does not have an expiration date.

35. The Agreement does not have a defined term.

36. The Township can terminate the new General Counsel only for “just cause.”

37. The Agreement effectively offers lifetime employment to the new General Counsel.

38. A client, such as the Township, has the right to terminate an attorney, such as the General Counsel, at any time, with or without cause. *See* MRPC 1.16, Comment (“A client has the right to discharge a lawyer at any time, with or without cause, subject to liability for payment for the lawyer’s services.”); *see also* State Bar of Michigan Advisory Opinion RI-86 (“A client has the right to choice of counsel. . . . A contract provision which interferes with the client’s rights to discharge the lawyer . . . is unethical.”).

39. The new General Counsel served as “Legal Counsel” to the Township at the 12/21 Meeting. (Ex. B)

40. Upon information and belief, the Township did not seek, nor was it given the opportunity to seek, the advice of independent legal counsel prior to: (1) creating the new General Counsel position; and (2) entering into the Agreement with its current counsel and now the new General

Counsel. *Cf.* MRPC 1.8(a) (“A lawyer shall not enter into a business transaction with a client . . . unless (1) the transaction and terms on which the lawyer acquires the interest are **fair and reasonable to the client** . . . (2) the client is given a reasonable opportunity to seek the advice of independent counsel in the transaction; and (3) the client consents in writing thereto.”).

41. Upon information and belief, the only attorney advising the Township with respect to the Agreement was the new General Counsel or other attorneys in his law firm.

42. The Agreement delegates to the new General Counsel the exclusive authority to (a) “select[] and ret[ain] . . . outside counsel to handle day to day [legal] proceedings”, and (b) unilaterally contract, on behalf of the Township, with “outside legal counsel when, in the Employee’s exercise of his/her discretion, such arrangement is in the best interest of the Township . . .”

43. The Board is limited in its ability to restrict the new General Counsel’s choice for outside retained counsel, as the Agreement provides that “The Board shall not unreasonably restrict or deny General Counsel’s choices of outside retained counsel.”

44. Future Boards are restricted in their ability to hire attorneys because of the Agreement’s grant of lifetime employment to the General Counsel and due to the improper delegation of hiring outside counsel to the General Counsel.

45. The Agreement serves to bind future Boards.

46. The Township does not have the authority to bind future Boards with a “just cause” standard, nor to interfere with a future Board’s ability to select additional attorneys for the Township.

47. The Agreement is not in the best interest of the Township.

48. The Agreement is illegal and void under the Michigan Rules of Professional Conduct.

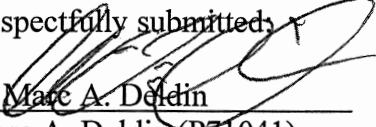
49. The Agreement is illegal and void under MCL 41.187.

50. The Agreement is illegal and void because its terms were deliberated upon and approved in a closed session.

51. For the reasons set forth above, the Agreement is contrary to public policy.

Plaintiff, Mark Grabow, respectfully requests that this Court grant the following relief:

- A. Invalidate the Township's decision with regard to all items under Agenda Item 19 for the 12/21 Meeting, for failing to comply with the requirements of the OMA, finding that the noncompliance or failure has impaired the rights of the public under the OMA, including open discussion about compensation and benefits of individual employment contracts, and the establishment of a new employee position;
- B. Grant injunctive relief against the Township to assure future compliance with the OMA, or to enjoin further noncompliance with the OMA;
- C. Declare that the Agreement, or certain provisions therein, is contrary to public policy and deemed void;
- D. Award costs and attorney fees for bringing this action;
- E. Grant any other relief authorized by law.

Respectfully submitted, 

/s/ Marc A. Deldin

Marc A. Deldin (P71041)

Attorney for Plaintiff

48 S. Main, Suite 3

Mount Clemens, MI 48043

(586) 741-8116

marc@deldinlaw.com

March 3, 2017



TOWNSHIP BOARD OF TRUSTEES AGENDA



DATE: WEDNESDAY, DECEMBER 21, 2016

TIME: 7:00 P.M.

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

Call Meeting to Order

Pledge of Allegiance

1. Roll Call
2. Approval of Agenda Items (with any corrections)
3. Approval of the Bills
4. Approval of the previous Meeting Minutes from December 7, 2016.
5. **Consent Agenda Items:**
 - A. Engineering Department:
 1. Request to approve new AEW hourly rate schedule
 - B. Clerk's Office
 1. Request to approve General Election Programming Invoice
 - C. Treasurer's Office:
 1. Request approval to collect the Summer Taxes for 2017 for school district parcels within Macomb Township
 - D. Supervisor's Office:
 1. Request approval for Township Elected Officials to attend annual Michigan Townships Association Educational Conference
 - E. Water & Sewer Department:
 1. Request authorization to pay for an easement; 26 Mile Road and Hayes Road Water Main SAD; Robert J. and Gloria L. Botalotto, 56400 Hayes Road, Macomb, MI (Parcel No. 08-06-100-021)

EXHIBIT A

2. ☐ Request authorization to refund the Batch Plant Bond for Wolverine Phase II Subdivision (Florence Cement)
3. ☐ Request authorization to pay Advanced Underground Inspection, LLC, for sanitary and storm maintenance
4. ☐ Request authorization to pay Miss Dig System for Miss Dig 811 monthly membership fee (billed annually)

F. Planning Section:

1. ☐ Request for Partial Site Development Bond Release for Partridge Farms Site Condominiums

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

7. Audit Presentation by Plante Moran

OLD BUSINESS:

PUBLIC HEARING:

8. Public Hearing for Community Development Block Grant Funding
- 8a. ☐ Proposed Add-On: Request to consider DTE street lighting estimate for the area around 21 Mile Rd. and Heydenreich Rd.

NEW BUSINESS:

ENGINEERING DEPARTMENT


9. Request to Schedule a Public Hearing on 1/11/17 for Street Lighting; The Preserves at Legacy Estates Phase II Site Condominiums

CLERK'S OFFICE



10. ☐ Approval of the 2017 Meeting Calendar
11. ☐ Approval of Manufacturer & Wholesaler License & Permit Application resolution for Cap N Cork; located at 16776 21 Mile Road
12. ☐ Approval of Class C Liquor License Application for Testa Barra Restaurant; 48824 Romeo Plank

SUPERVISOR'S OFFICE



EXHIBIT A

13.  Request to reappoint members to the Planning Commission, Board of Review, Zoning Board of Appeals, Building Board of Appeals and the Historical Commission



TOWNSHIP ATTORNEY

14.  Appeal of Freedom of Information Act Requests 2016-205
15.  Appeal of Freedom of Information Act Request 2016-207





FIRE DEPARTMENT

16.  Request to promote probationary firefighter
17.  Request to purchase EMS parkas
- 17a. Proposed Add-On: Request to hire two firefighters

HUMAN RESOURCES DEPARTMENT

18.  Request approval to extend offer of employment for Engineering Manager
19.  Review of compensation for all non-elected and non-union employees and appointees

PLANNING SECTION

20.  Request for an Extension of Time: Final Plan Harmony Acres Sub. Permanent Parcel 08-16-200-014. Located on the south side of 24 Mile, ¾ mile east of Romeo Plank
21.  Request for an Extension of Time: Final Preliminary Plan for Wexford Meadows Sub. Permanent Parcel 08-27-100-034. Located on the east side of Heydenreich Rd, ¼ mile south of 22 Mile Rd.
22.  Request approval of revised Preliminary Plan: Remar Farms Site Condominiums. Permanent Parcel 08-23-100-010. Located on the south side of 23 Mile Rd., ½ mile east of Card Rd.
23.  Request approval of revised Final Plan: Remar Farms Site Condominiums. Permanent Parcel 08-23-100-010. Located on the south side of 23 Mile Rd., ½ mile east of Card Rd.

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

BOARD COMMENTS:

EXHIBIT A

- 24. Supervisor Comments
- 25. Clerk Comments
- 26. Treasurer Comments
- 27. Trustees Comments

CLOSED SESSION

- 28. IAFF Grievance 2016-001
- 29. IAFF Grievance 2016-002
- 30. Proposed Add-On: Settlement Discussion for Elite Sports Ventures, case no.
2016-2235-CZ

ADJOURNMENT:

Kristi L. Pozzi
Macomb Township Clerk

EXHIBIT A

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, DECEMBER 21, 2016

APPROVED

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

PRESENT: JANET DUNN, SUPERVISOR
KRISTI POZZI, CLERK
KAREN GOODHUE, TREASURER
DINO F. BUCCI, JR, TRUSTEE
TIMOTHY F. BUSSINEAU, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Thomas Esordi, Legal Counsel
Patrick Meagher, Planning Consultant
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. Clerk POZZI called the roll and the Board of Trustees was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and Item 8a., Request to consider DTE street lighting estimate for the area around 21 Mile Road and Heydenreich Road and Item 17a., Request to hire two firefighters were added to the Regular Agenda. Item 30, Settlement discussion for Elite Sports Ventures, case no. 2016-2235-CZ was added to Closed Session and Item 19, Review of compensation for all non-elected and non-union employees and appointees was removed from open session and placed in closed session.

MOTION by Bucci seconded by Goodhue to approve the agenda as amended.

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 bill runs in the amount of \$135,109.81 and \$212,036.56.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on December 7, 2016 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by Goodhue seconded by Pozzi to approve the minutes of the meeting of December 7, 2016 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. Engineering Department

1. Request to approve new AEW hourly rate schedule

B. Clerk's Office

1. General Election Programming Invoice \$3,500

C. Treasurer's Office

1. Request approval to collect the Summer Taxes for 2017 for school district parcels within Macomb Township

D. Supervisor's Office

1. Request approval for Township Elected Officials to attend annual educational conference

E. Water & Sewer Department

1. Request authorization to pay \$1,000 for an easement; 26 Mile Road and Hayes Road Water Main SAD; Robert J. and Gloria L. Botalotto, 56400 Hayes Road, Macomb, MI (Parcel No. 08-06-100-021)
2. Request authorization to refund the \$5,000 Batch Plant Bond for Wolverine Phase II Subdivision (Florence Cement)
3. Request authorization to pay Advanced Underground Inspection, LLC, \$17,883 for sanitary and storm maintenance
4. Request authorization to pay Miss Dig System \$6,815.82 for Miss Dig 811 monthly membership fee (billed annually)

F. Planning Section

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, DECEMBER 21, 2016

APPROVED

1. Request for partial site development bond release for Partridge Farms Site Condominiums

MOTION by Bucci seconded by Krzeminski to approve the Consent Agenda as earlier amended.

MOTION carried.

6. Public Comments, Agenda Items Only

Resident Paul Corrado spoke regarding Items 14 & 15 and the timeline for responding to his Freedom of Information Act (FOIA) Requests.

Township Legal Counsel informed the Board of how the appeal process works relative to a FOIA request and the timeline afforded the Township to respond.

Residents Danielle and Randy Leedy spoke regarding Item 8a. and requested that up to date communication be kept between the parties involved.

Resident Linada Clor spoke regarding Item 8a. and traffic issues

Resident Amber Markel spoke regarding Item 8a. and safety issues.

7. Audit Presentation by Plante Moran

Lisa Minetta and Dave Herrington from Plante Moran were present. Lisa Minetta reviewed the audit report with the Township Board and stated that they were giving the Township an Unmodified Opinion which is the highest level that can be given. Through this process they stated that the Township maintained good records and that the audit went according to schedule. The Township is in excellent financial condition and added money to the fund balance this year. The Township pension is funded at ninety percent (90%) and the retiree health care liability is funded at eighty-six percent (86%).

Moved by Krzeminski seconded by Goodhue to receive and file.

MOTION carried.

OLD BUSINESS

8. Public Hearing for Community Development Block Grant Funding

The Supervisor opened the public hearing at 7:24

There were no comments from the public.

The Supervisor closed the public hearing at 7:25

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, DECEMBER 21, 2016

APPROVED

The Supervisor stated that the next public hearing will be January 11, 2017 and that the determination for funding will be done following a public hearing on January 25, 2017.

- 8a. Request to consider DTE street lighting estimate for the area around 21 Mile Road and Heydenreich Road.

The Township Engineer reviewed the proposal and the costs associated with this matter. The plan calls for the installation of 87 lights. The majority of which will be placed on existing utility poles. Shielding will be used where necessary to limit light pollution. The Total project cost is \$116,042.50. The Township cost, minus the credit from DTE is \$72,896.59 to install the lights. After that the annual lighting charge would be \$14,381.97.

Trustee Krzeminski indicated that this matter needs to be looked at as to how the funding for the project will be paid and assessed.

Clerk Pozzi stated that she has been in contact with the Transportation Improvement Association and the State Police regarding their studies and indicated that they would be available to meet with the Township on 1/11/17.

Supervisor Dunn informed the residents that the Township has been looking at purchasing speed monitoring devices. These devices will capture the license plate of a speeder and allow the Sheriff's Department to issue a ticket.

MOTION by Krzeminski, seconded by Pozzi to receive and file the DTE street lighting estimate in the area around 21 Mile Road and Heydenreich Road.

MOTION carried.

MOTION by Krzeminski seconded by Goodhue to purchase the traffic monitoring device in the amount of \$10,340.00.

MOTION carried.

MOTION by Krzeminski seconded by Pozzi to have the traffic study workshop with the Traffic Improvement Association and the State Police at Township Hall on 1/11/17 at 6:00 p.m.

MOTION carried.

NEW BUSINESS

ENGINEERING DEPARTMENT

9. Request to Schedule a Public Hearing on 1/11/17 for Street Lighting; The Preserves at Legacy Estates Phase II Site Condominiums

MOTION by Krzeminski seconded by Bucci to schedule a public hearing for street lighting on 1/11/17 for The Preserves at Legacy Estates Phase II Site Condominiums.

MOTION carried.

CLERK'S OFFICE

10. Approval of the 2017 Meeting Calendar

MOTION by Pozzi seconded by Bucci to approve the Township Meeting Calendar for 2017.

MOTION carried.

11. Approval of Manufacturer & Wholesaler License & Permit Application resolution for Cap N Cork; located at 16776 21 Mile Road

MOTION by Bucci seconded by Krzeminski to approve the Manufacturers & Wholesaler License & Permit Resolution (local approval form LCC-106) for Cap N Cork, located at 16776 21 Mile, Macomb Township, MI 48044.

Roll Call:

Ayes: Bucci, Krzeminski, Bussineau, Nevers, Goodhue, Pozzi, Dunn

Nays: None

Absent: None

RESOLUTION declared adopted.

12. Approval of a Class C Liquor License Resolution for Testa Barra, located at 48824 Romeo Plank Road, Macomb, MI.

MOTION by Pozzi seconded by Goodhue to approve the petition by Jeff and Rosemarie Baldwin for a Class C Liquor License, with entertainment permit, for Testa Barra. The restaurant shall be located at 48824 Romeo Plank Road, Macomb, MI. This resolution shall be forwarded onto the State of Michigan once the amendment to the consent judgment for case no. 06-2543-CH has been filed with the court and all fire safety issues have been met as stipulated by the Macomb Township Fire Department.

Roll Call:

Ayes: Pozzi, Goodhue, Bucci, Bussineau, Krzeminski, Nevers, Dunn

Nays: None

Absent: None

RESOLUTION declared adopted.

SUPERVISOR'S OFFICE

13. Request to reappoint members to the Planning Commission, Board of Review, Zoning Board of Appeals, Building Board of Appeals and the Historical Commission.

The Supervisor addressed the Board regarding the reappointments to the various positions and the expiration of their terms.

MOTION by Goodhue seconded by Pozzi to reappoint Roger Krzeminski to the Planning Commission as the Board Liaison with a term to expire of 11/20/20

MOTION carried.

MOTION by Krzeminski seconded by Goodhue reappoint Juliana Plastiras to the Planning Commission with a term to expire of 12/31/19.

MOTION carried.

MOTION by Bucci seconded by Pozzi to reappoint to the Board of Review members Elizabeth Clemens, Karina Ball and Kenneth Siegle, terms to expire 12/31/18.

MOTION carried.

MOTION by Pozzi seconded by Nevers to reappoint the Building Board of Appeals members James Blank, Patrick Findland, Dale Hurtgam, Roy Rose and William Thompson with terms to expire 12/31/18.

MOTION carried.

MOTION by Pozzi seconded by Krzeminski to reappoint to the Zoning Board of Appeals Dawn Slosson with a term to expire of 12/31/19.

MOTION carried.

MOTION by Pozzi seconded by Nevers to reappoint Dino Bucci as the Board Liaison to the Zoning Board of Appeals with a term to expire on 11/20/20.

MOTION carried.

MOTION by Bussineau seconded by Goodhue to reappoint Peggy Arcado and Milt Miller to the Historical Commission with their terms to expire on 12/31/19.

MOTION carried.

TOWNSHIP ATTORNEY

14. Appeal of Freedom of Information Act Request 2016-205

The Township Attorney reviewed this matter with the Board and indicated that the individual is appealing the cost of the FOIA. The Board has the option to deny the request, grant the request or adjust the amount charged to the individual who requested the FOIA.

The information that was requested required that every e-mail in the Township be searched and done so in a manner that did not corrupt metadata. The cost that was assessed for this function was \$270.00.

MOTION by Krzeminski seconded by Goodhue to concur with the recommendation of the Township Attorney and deny the appeal of Freedom of Information Act Request 2016-205.

MOTION carried.

15. Appeal of Freedom of Information Act Request 2016-207

The Township Attorney reviewed this matter with the Board and indicated that the individual is appealing the cost of the FOIA. The Board has the option to deny the request, grant the request or adjust the amount charged to the individual who requested the FOIA.

The information that was requested required that every e-mail in the Township be searched and done so in a manner that did not corrupt metadata. The cost that was assessed for this function was \$270.00.

MOTION by Krzeminski seconded by Bucci to concur with the recommendation of the Township Attorney and deny the appeal of Freedom of Information Act Request 2016-207.

MOTION carried.

FIRE DEPARTMENT

16. Request to promote probationary firefighter

MOTION by Bucci seconded by Krzeminski to promote probationary firefighter Paul Zito to the position of firefighter.

MOTION carried.

17. Request to purchase EMS parkas

MOTION by Pozzi seconded by Nevers to approve the request to purchase 61 EMS parkas from Nye Uniform in the amount of \$28,119.78.

MOTION carried.

- 17a. Request to hire two firefighters

MOTION by Krzeminski seconded by Goodhue to approve the request of the Fire Chief and extend offers of employment for the position of firefighter to David DeGutis and Justin Friese. The effective date of hire will be on or after January 8, 2017.

MOTION carried.

HUMAN RESOURCES

18. Request approval to extend offer of employment for Engineering Manager

MOTION by Krzeminski seconded by Nevers to extend an offer of employment for Engineering Manager to Crystal Kozak contingent upon her successful completion of a post offer psychological evaluation, physical examination and background check. Her anticipated date of hire would be on or after 1/3/17.

MOTION carried.

19. Review of compensation for all non-elected and non-union employees and appointees

This item was moved to closed session.

PLANNING SECTION

20. Request for an Extension of Time: Final Plan Harmony Acres Sub. Permanent Parcel 08-16-200-014. Located on the south side of 24 Mile, ¾ mile east of Romeo Plank

MOTION by Krzeminski seconded by Bucci to approve the request for an Extension of Time: Final Plan Harmony Acres Sub. Permanent Parcel 08-16-200-014. Located on the south side of 24 Mile, ¾ mile east of Romeo Plank. This shall expire on 12/21/17

MOTION carried.

21. Request for an Extension of Time: Final Preliminary Plan for Wexford Meadows Sub. Permanent Parcel 08-27-100-034. Located on the east side of Heydenreich Rd, ¼ mile south of 22 Mile Rd.

MOTION by Goodhue seconded by Pozzi to approve the request for an Extension of Time: Final Preliminary Plan for Wexford Meadows Sub.

Permanent Parcel 08-27-100-034. Located on the east side of Heydenreich Rd, ¼ mile south of 22 Mile Rd. This shall expire on 12/21/17.

MOTION carried.

22. Request approval of revised Preliminary Plan: Remar Farms Site Condominiums. Permanent Parcel 08-23-100-010. Located on the south side of 23 Mile Rd., ½ mile east of Card Rd.

MOTION by Bucci seconded by Goodhue to approve the request approval of revised Preliminary Plan: Remar Farms Site Condominiums. Permanent Parcel 08-23-100-010. Located on the south side of 23 Mile Rd., ½ mile east of Card Rd.

MOTION carried.

23. Request approval of revised Final Plan: Remar Farms Site Condominiums. Permanent Parcel 08-23-100-010. Located on the south side of 23 Mile Rd., ½ mile east of Card Rd.

MOTION by Goodhue seconded by Pozzi to approve the request approval of revised Final Plan: Remar Farms Site Condominiums. Permanent Parcel 08-23-100-010. Located on the south side of 23 Mile Rd., ½ mile east of Card Rd.

MOTION carried.

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

Residents Danielle and Randy Leedy addressed the Township Board regarding the next steps that need to be taken in order to move forward with improving road safety conditions.

Resident Linda Clor spoke regarding safety and social legacy of the Township Board.

Resident Paul Corrado spoke regarding his FOIA for the legal contract and compared what the Township spends per month on legal costs with what they should be receiving.

BOARD COMMENTS

24. The Supervisor wished everyone a Merry Christmas and Happy Holiday.
25. The Clerk congratulated the new Firefighters on their positions in the department and thanked everyone who helped to make that happen. She answered an inquiry made at the last board meeting regarding a payment to a contractor. It was relative to obtaining an easement on property the individual owned. She congratulated the individuals who were reappointed and encouraged them to contact the office about completing their oaths. Lastly she wished everyone a Merry Christmas.

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APPROVED

26. The Treasurer stated that the Township offices will be closed over the holidays but the Treasurer's Office will be open on 12/29/16 to receive payments. The Township will reopen on 1/3/17.
27. Trustee Nevers thanked the Chief and all those involved for bringing on the new Firefighters.

Trustee Bussineau thanked Danielle Markel and her family for coming and speaking at the meeting.

Trustee Krzeminski stated that there is an ordinance that requires individuals keep their sidewalk clear of snow. He thanked Veterans for their service and wished everyone a Merry Christmas.

Trustee Bucci wished everyone a Happy Holiday.

CLOSED SESSION

MOTION by Bucci seconded by Goodhue to enter into closed session at 8:35 p.m. to discuss IAFF Grievance 2016-001, IAFF Grievance 2016-002, settlement discussion for Elite Sports Ventures case no. 2016-2235-CZ and review of compensation for all non-elected and non-union employees and appointees.

MOTION carried.

The Board reconvened into open session at 10:00 p.m.

28. IAFF Grievance 2016-001

MOTION by Pozzi seconded by Bucci to direct the Fire Chief and Legal Counsel to seek a potential settlement as discussed.

MOTION carried.

29. IAFF Grievance 2016-002

MOTION by Pozzi seconded by Bucci to direct the Fire Chief and Legal Counsel to seek a potential settlement as discussed.

MOTION carried.

30. Settlement Discussion for Elite Sports Ventures, case no. 2016-2235-CZ

Information only, no action taken.

31. Review of compensation for all non-elected and non-union employees and appointees

MOTION by Pozzi seconded by Goodhue to authorize the Supervisor to execute modification of employment contract as discussed.

MOTION carried.

MOTION by Pozzi seconded by Krzeminski to amend the compensation resolution as it pertains to the pay scale and paid time off benefit for the Deputy Clerk and Deputy Treasurer to make it comparable to the management position in the AFSCME Local 1917.43 Union.

MOTION carried.

The resolution governing compensation for elected officials and the deputy officials shall now read as follows:

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

**RESOLUTION AMENDING ESTABLISHING SALARY, BENEFITS AND
COMPENSATION FOR TOWNSHIP SUPERVISOR, CLERK, TREASURER,
TRUSTEES, SPECIFIED EMPLOYEES AND APPOINTED MEMBERS OF BOARDS
AND COMMISSIONS**

At a regular meeting of the Macomb Township Board of Trustees that was called to order by Supervisor Janet I. Dunn on Wednesday, December 21, 2017 at 7:00 p.m., the following resolution was offered:

Whereas, the Macomb Township Board of Trustees has considered, discussed, established and granted certain salaries and benefits for Township elected officials (Supervisor, Clerk, Treasurer and Trustees) and established compensation rates for specified Township deputies and members of specified Township boards and commissions; and

Whereas, the Board of Trustees desires to adopt a resolution establishing the salaries and benefits of Township elected officials and establishing compensation rates for other specified Township deputies and members of specified Township boards and commissions;

Now, Therefore, Be It Resolved, that the salary, benefits, and compensation to be paid to members of the Township Board of Trustees during their term of office, and the compensation to be paid specified Township deputies and members of specified Township boards and commissions be as follows:

MACOMB TOWNSHIP BOARD OF TRUSTEES
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1. Effective February 12, 2014, the annual salaries of members of the Township Board shall be as follows:

- Supervisor: \$90,000.00
- Clerk: \$85,000.00
- Treasurer: \$85,000.00
- Trustee: \$9,000.00, plus \$200.00 per attended meeting

2. Effective January 1, 2017, the annual salaries of the Deputy Clerk and Deputy Treasurer of the Township shall be:

- Deputy Clerk: \$76,807.66
- Deputy Treasurer: \$76,807.66

3. Effective February 12, 2014, members of the Township Board shall be eligible for the following benefits during their term of office (and during their retirement where stated):

- Group Term Life Insurance in the amount of \$50,000
- Medical and Hospitalization Insurance
- Dental Insurance
- Vision Insurance
- Employee Assistance Program
- Flexible Spending Account
- Long-term Disability Insurance as permitted by the insurance carrier
- Short-term Disability Insurance as permitted by the insurance carrier
- Defined Contribution 401(a) Pension Plan
- 457(b) Deferred Compensation Plan
- Social Security
- Worker's Compensation

4. Members of the Township Board who are serving as of February 12, 2014 who were elected to office prior to January 1, 2013 shall be eligible for the following retiree benefits for themselves and their surviving spouse , if any, at the time of the retirement:

- Group Term Life Insurance in the amount of \$20,000.00
- Medical and Hospitalization Insurance
- Dental Insurance
- Vision Insurance

The Insurance providers and types of coverage shall be determined by the Board of Trustees in its sole discretion.

A member of the Township Board will be vested in the retiree benefit program at a rate of thirty-three and one-third percent (33-1/3%) for every four (4) years served on the Township Board. The years of service are not required to be consecutive or for the same elected position. Each year of service must be a "full" year [defined as 256 continuous days or seventy percent (70%)] to be counted for vesting purposes. A member of the Township Board who serves for less than eight (8) "full" years as defined above shall not be eligible for any retiree benefit.

Qualifications for retiree benefits shall be as follows:

- Normal Retirement: A member of the Township Board who is age 62 or older and who has served twelve (12) or more years on the Board of Trustees; or
- Deferred Retirement: A member of the Township Board who has served twelve (12) or more years on the Board of Trustees shall be eligible for deferred retiree benefits upon reaching age 62.
- Partial Retirement: A member of the Township Board who has served eight (8) years but less than twelve (12) years on the Board of Trustees shall be eligible for partial retiree benefits upon reaching age 62, provided such elected official pays for the unvested portion [thirty-three and one-third percent (33-1/3%)] of the cost of the insurance.

Members of the Township Board who take office after January 1, 2013 shall not be eligible for any retiree benefits.

5. Effective January 1, 2017, the Deputy Clerk and Deputy Treasurer shall be eligible for the following benefits during their employment in the deputy position:

- Group Term Life Insurance in the amount of \$50,000
- Medical and Hospitalization Insurance
- Dental Insurance
- Vision Insurance
- Employee Assistance Program
- Flexible Spending Account
- Long-term Disability Insurance as permitted by the insurance carrier
- Short-term Disability Insurance as permitted by the insurance carrier
- Defined Contribution 401(a) Pension Plan
- 457(b) Deferred Compensation Plan
- Social Security

MACOMB TOWNSHIP BOARD OF TRUSTEES
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APPROVED

- Worker's Compensation
- Paid Holidays
- Paid Time-Off in accordance with the following schedule:
 - Upon hire, but less than 1 year of service 144 hours
 - After completion of 1 year of service 196 hours
 - After completion of 5 years of service 220 hours
 - After completion of 10 years of service 244 hours

Retiree Healthcare benefits for the Deputy Clerk and Deputy Treasurer shall be the same as those afforded to the full time elected officials who complete twelve (12) years of full time consecutive service.

6. Effective February 12, 2014, members of the Township Planning Commission shall be compensated as follows:

- \$125.00 per attended meeting

7. Effective February 12, 2014, compensation to be paid to members of the Township Zoning Board of Appeals, Township Board of Review, and Township Building Board of Appeals shall be unchanged from rates in effect on February 12, 2014 and shall be in accordance with the most recently adopted resolution pertaining to the compensation of members of each respective board. The rates for these boards are the following:

- Zoning Board of Appeals \$150.00 per attended meeting
- Board of Review \$28.25 per hour worked
- Building Board of Appeals \$15.00 per hour worked

Kristi L. Pozzi, Clerk
Macomb Township

MOTION by Pozzi seconded by Krzeminski to authorize the Supervisor's Office to negotiate terms and offer employment to Thomas Esordi as Human Resources Director with the expanded duties of General Counsel to be included with that position.

MOTION carried.

ADJOURNMENT

MOTION by Bucci seconded by Goodhue to adjourn the Board meeting at 10:04 p.m.

MACOMB TOWNSHIP BOARD OF TRUSTEES
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APPROVED

MOTION carried.

Respectfully submitted,

Janet I. Dunn
Macomb Township Supervisor

Kristi Pozzi
Macomb Township Clerk

EMPLOYMENT AGREEMENT BETWEEN
THE TOWNSHIP OF MACOMB AND THOMAS D. ESORDI

THIS AGREEMENT made this 23rd day of December, 2016, by and between the Township of Macomb, a Michigan municipal corporation ("Township") and Thomas D. Esordi ("Employee")

WITNESSETH:

WHEREAS, the Township is a Michigan municipal corporation created pursuant to and acting in accordance with the constitution and statutes of the State of Michigan; and

WHEREAS, the Township has offered and the Employee has accepted the position of General Counsel/Human Resources Director for the Township; and

WHEREAS, the Township and Employee desire to set forth the terms and conditions which will govern the Employee's employment with the Township;

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the Township and Employee agree as follows

1. **Non-Union Position.**

The position of General Counsel/Human Resources Director is a confidential position, and therefore, exempt from collective bargaining purposes.

2. **Duties and Supervision.**

The Employee, under the general direction of the township Supervisor, will manage the day to day legal representation of the Township and manage the responsibilities of the Human Resources Department and exercise direct supervision over all legal matters and the Human Resources Department. The Employee will administer the policies and programs as adopted by the Township Board of Trustees in the operation of the Human Resources Department.

The Employee, as general counsel, under the general direction of the Township Supervisor will oversee all legal matters involving, or potentially involving, the Township. Employees duties shall be those required of and owed by an attorney to a client in the State of Michigan; such duties will include, but not be limited to:

- a. the application of all Federal and State laws and regulations governing the relationship of the Township with its employees;
- b. labor negotiations, grievance proceedings and all related matters including, but not limited to, mediations and arbitrations.

EXHIBIT C

- c. supervision of district court prosecutions and all related matters including selection and retention of outside counsel to handle day to day proceedings;
- d. regularly occurring legal matters of the Township, including litigation matters;
- e. regularly review and approval of the activities and billings of outside retained counsel for the purpose of containing legal costs and expenses.

The Employee in his capacity as General Counsel shall have the authority and duty, under the general direction of the Township Supervisor to contract with outside legal counsel when, in the Employees exercise of his/her legal discretion, such arrangement is in the best interest of the Township and/or legally required. Such retentions will be subject to Board review. The Board shall not unreasonably restrict or deny General Counsel's choices of outside retained counsel.

The Employee shall also be responsible for the administration, operation and general efficiency of the Human Resources Department and may be called upon to do any or all of the following duties:

- a. Plan and direct the development and administration of human resource policies, rules and regulations affecting all personnel and services including employment compensation benefits, union relations, staff development, equal opportunity, nondiscrimination, counseling, safety and personnel systems and records.
- b. Plan and direct the development and administration of compensation programs. Maintain an orderly system of job classifications. Review requests for job reclassification, and make appropriate recommendations to the Township Supervisor and Board.
- c. Coordinate benefit activities such as those concerned with communicating of employee benefits, benefit provider selection, and troubleshooting employee problems in the benefit area. Analyze statistical data, and research descriptive data, including cost containment to determine trends
- d. Coordinate and direct Township compliance with the Americans with Disabilities Act, Family and Medical Leave Act, Anti-Discrimination Laws, and other federal and/or state directives
- e. Administer contractual agreements with all Township personnel and advise Department Heads on the interpretation of all contractual agreements.
- f. Administer the personnel program for all Township employees and any employees hired pursuant to Federal, State, or local programs and/or grants.
- g. Plan and conduct new employee orientation to foster positive attitudes toward public service employment

EXHIBIT C

- h. Assist in the development and administration of policies and procedures for selection, transfer, and promotion.
- i. Prepare and update all job descriptions, departmental personnel forms and departmental manuals.
- j. Administer all personnel and attendance records for Township employees
- k. Participate in the negotiation and administration of collective bargaining agreements including the interpretation and application of union contracts, and grievance and arbitration procedures.
- l. Administer disciplinary procedures; advise Department Heads and supervisory personnel regarding appropriate disciplinary action to insure consistency and appropriateness of discipline. Draft disciplinary changes for serious misconduct and participate in disciplinary review meetings at which charges are presented.
- m. Represent the administration as necessary in grievance proceedings.
- n. Plan, prepare and administer the budget for the Human Resources Department
- o. Appear before the Township Board when requested, and perform other related duties as directed by the Township Supervisor and/or Township Board

The Employee will perform all other duties that may be required pursuant to the express and implied terms of this agreement or where directed by the Township Supervisor or Board of Trustees.

3. **Compensation.**

The Employees compensation will be One Hundred Fifty Thousand and 00/100 (\$150,000.00) Dollars per year payable in equal bi-weekly installments less State and Federal withholding and other applicable deductions.

4. **Benefits.**

Employee shall receive those benefits as described on the Summary of Benefits attached as Exhibit A.

5. **Annual Review.**

Employee's performance and compensation will be reviewed by the Board or an appointed committee of the Board on an annual basis.

EXHIBIT C

6. **Just Cause.**

The township and Employee agree that all disciplinary action or discharge shall be for just cause and that disciplinary action shall be progressive except where Employee's misconduct warrants immediate discharge.

7. **Drugs, Alcohol Free Workplace.**

The Employee acknowledges and understands that the Township is a drug/alcohol free workplace and the Employee agrees to abide by the Township's drug/alcohol policy. The Employee will execute an acknowledgment of receipt of policy and acknowledge consent to testing.

8. **Modification.**

Modification of the Employment Agreement shall be of no force or effect unless first approved by the Township Board of Trustees and contained in a written document signed by the Township Supervisor, Clerk and the Employee. Any modification to the Employment Agreement shall be attached to the Agreement and maintained in the Employees personnel file.

9. **No Oral Agreements.**

No modification shall be deemed effective unless in writing. There are no representations or collateral agreements or oral agreements whatsoever and no implied warranties or conditions or stipulations of any kind between the employee and the Township are contained herein.

10. **Governing Law.**

This Agreement and performance hereunder shall in all respects be governed and interpreted by the laws of the State of Michigan.

11. **Severability.**

The invalidity of any provision or obligation hereunder, or the contravention thereby of any law, rule or regulation shall not relieve the Employee or Township from its obligations nor deprive either the Employee or the Township of the advantages contained in any other provision of this Agreement.

12. **Professional Insurance and Dues.**

To the extent the Township is advised by its insurance providers and chooses Employee to maintain professional malpractice insurance, the Township shall pay for (including reimbursement if circumstances dictate) for the same.

EXHIBIT C

The Township shall be responsible for payment of the Employee's State of Michigan Bar dues.

13. Professional Flexibility Clause.

It is understood and agreed that in his capacity of a member in good standing of the State Bar of Michigan that the employee is not prevented from providing legal services to other clients provided that such representation does not conflict with his primary obligations under this contract and that such representation is reported to and approved by the Supervisor.

14. Notice.

Any notice required to be given in writing under this Agreement shall be deemed given when personally delivered, or when mailed to the other party by prepaid certified mail at the address specified for each party herein, or at such other address as shall hereinafter be designated by written notice of either party.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

TOWNSHIP OF MACOMB
A Michigan municipal corporation

Janet Dunn, Supervisor

Kristi L. Pozzi, Clerk

Thomas D. Esordi, Employee

EXHIBIT C

General Counsel/Human Resources Director
Compensation & Benefit Summary
Exhibit A

Employment: Just Cause
Reporting directly to Township Supervisor

Annualized Compensation: Annual salary shall be \$150,000 reviewed annually by the Board of Trustees

Medical & Vision Insurance: Blue Cross Blue Shield Community Blue Plan1, Group 007011519, Division 0006, for General Counsel/Human Resources Director, Fire Chief, and Deputy Fire Chief, specific employees not covered under a collective bargaining agreement

Dental Insurance: Delta Dental of Michigan for General Counsel/Human Resources Director, Fire Chief, and Deputy Fire Chief, specific employees not covered under a collective bargaining agreement

Life Insurance: One Times Annual Salary under Mutual of Omaha, Class 001-General Counsel/Human Resources Director, Fire Chief, and Deputy Fire Chief, specific employees not covered under a collective bargaining agreement.

Disability Insurance: Short-term and Long-term under National Insurance Services (Madison National Life) General Counsel/Human Resources Director, Fire Chief, and Deputy Fire Chief, specific employees not covered under a collective bargaining agreement

Holidays: Township Observed Holidays such as New Year's Day, MLK Day, President's Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve Day, Christmas Day, and New Year's Eve Day

Paid Time Off: Employee shall carryover any balance of PTO hours until the Employee's anniversary date. At that time, the Township shall renew the Employee's bank of PTO hours in the amount of two hundred sixteen (216 hours) per anniversary year. At the time of the employee's retirement from the Township, the Employee shall be compensated for the balance of accrued/banked PTO hours at seventy-five (75%) value.

Employee Assistance Program: Ulliance EAP Program

General Counsel/Human Resources Director
Compensation & Benefit Summary
Exhibit A

Mileage Reimbursement

Employees who are required to use their personal vehicle in the performance of their job will receive a non-taxable reimbursement for mileage at a rate as determined by the Internal Revenue Service. Mileage reimbursement will be made on a monthly basis. Requests for reimbursement of mileage will be documented and supported on a reimbursement form furnished by the Employer.

Retirement

Pension

The employer agrees to provide a Defined Contribution 401(a) Pension Program whereby the employer will contribute an amount equal to ten percent (10%) of the employee's annual salary (base pay only) and the Employee, at Employee's option, may contribute an amount equal to five percent (5%) of their annual salary. Participation in this plan begins on the first day of the month following ninety (90) days of continuous employment.

Deferred Compensation Plan

The employer will sponsor a 457(b) Deferred Compensation Plan as a supplemental retirement plan to eligible employees. Employee participation in this plan is totally voluntarily and may begin on the first day of the month following ninety (90) days of continuous employment. Under this plan, an employee may defer compensation according to the Internal Revenue Service (IRS) regulations

Insurance

Employee shall be eligible for \$20,000 of Group Term Life Insurance provided he is age fifty-five (55) or older with ten (10) or more years of full-time employment with Macomb Township

Bereavement:

As provided to Non-Represented Employees

Mandatory Coverage:

- a. Workers' Compensation
- b. Social Security
- c. Unemployment Insurance

General Counsel/Human Resources Director
Compensation & Benefit Summary
Exhibit A

Bar Associations:

The Township recognizes the Employee's history with several professional associations and will pay for dues associated with appropriate associations as approved by the Supervisor. Township shall be responsible for payment of the Employee's State of Michigan Bar dues.