

**FINAL
CHARTER TOWNSHIP OF COMMERCE
REGULAR BOARD OF TRUSTEES MEETING**

Tuesday, June 9, 2009

2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Supervisor Thomas Zoner called the meeting to order at 7:00 P.m. and introduced the members of the Board.

PLEDGE OF ALLEGIANCE TO FLAG

ROLL CALL: Present: Thomas K. Zoner, Supervisor
Susan Gross, Treasurer
Debra Kirkwood, Trustee
Robert Long, Trustee
Daniel Munro, Trustee
Rick Sovel, Trustee

Absent: Sandra Abrams, Clerk (excused)

Also Present: Phillip Adkison, Township Attorney
Hans Rentrop, Township Attorney
Jay James, Giffels-Webster Engineers

APPROVAL OF MINUTES

MOTION by Kirkwood, supported by Gross, to approve the Regular Township Board Meeting Minutes of May 12, 2009, as submitted.

It was noted under "Other Matters" by Phillip Adkison, Township Attorney of following change: **second page, Item 3 B. move the last sentence to second page Item 3 A.** **MOTION CARRIED UNANIMOUSLY**

PRESENTATIONS:

The following gave Departmental Reports:

Joseph Schornack, Fire Chief
Eric Suess, Library Director
Wynn Berry, DDA Director

PETITIONS

None

ITEM 1:6-9 APPROVAL OF AGENDA

MOTION by Zoner, supported by Sovel, to approve the Agenda with the addition of Item 12G Firefighters Grievance and move item 12E before Public Comments.

MOTION CARRIED UNANIMOUSLY

ITEM 12E. Bond Authorizing Resolution for \$17,500,000 Capital Improvement Bonds, Series 2009 (Sewage Treatment Plant Project)

Bowden Brown, Dykema Gossett, was present

MOTION by Gross, supported by Sovel, to approve the Bond Authorizing Resolution Capital Improvement Bonds (Limited Tax General Obligation), Series 2009-B.

MOTION CARRIED UNANIMOUSLY

ROLL CALL VOTE

AYES: Gross, Sovel, Long, Munro, Kirkwood, Zoner

NAYS:

ABSENT: Abrams

MOTION CARRIED UNANIMOUSLY

ITEM 2:6-9 PUBLIC COMMENTS

Peter Unick was present to ask if there is enough money in the budget to paint the outside of the library.

ITEM 3:6-9 PUBLIC HEARINGS

A. Golfside Paving SAD

Rick Sovel requested a Motion to allow him to abstain from voting on the project because he lives in the SAD area.

MOTION by Munro, supported by Kirkwood, to allow Rick Sovel to abstain from voting on Golfside Paving SAD because he lives in the SAD area.

MOTION CARRIED UNANIMOUSLY

Jay James, Giffels-Webster Engineers spoke of the SAD.

Supervisor Thomas Zoner opened the Public Hearing.

No one present had any questions or comments.

Golfside Paving SAD (continued)

There was one letter of opposition received from Crystal Gross and Brian Watkin, 8662 Golfside Drive.

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Gross, supported by Kirkwood, to approve the Resolution Confirming Special Assessment Roll for the Special Assessment District Designated Golfside Paving Special Assessment District.

ROLL CALL VOTE

AYES: Gross, Kirkwood, Munro, Long, Zoner

NAYS:

ABSENT: Abrams

**MOTION CARRIED UNANIMOUSLY
(Sovel Abstained)**

B. Special Projects No. 29

Supervisor Thomas Zoner opened the Public Hearing.

No one present had any questions or comments.

Supervisor Thomas Zoner closed the Public Hearing.

MOTION by Gross, supported by Sovel, to approve the Resolution of the Township Board of the Charter Township of Commerce Determining to Undertake an Improvement Project and to Establish and Maintain a Special Assessment District to Pay Costs Associated Therewith and Approving the Plans and Estimates of Costs Therefore, Special Projects No. 29.

ROLL CALL VOTE

AYES: Gross, Sovel, Kirkwood, Munro, Long, Zoner

NAYS:

ABSENT: Abrams

MOTION CARRIED UNANIMOUSLY

ITEM 4:6-9 BOARD APPOINTMENTS

Appointments to Parks and Recreation Committee – 1 position

Dick Zemmin was present.

MOTION by Sovel, supported by Gross to remove Appointments to Parks and Recreation Committee from the Table. **MOTION CARRIED UNANIMOUSLY**

Appointments to Parks and Recreation Committee (continued)

MOTION by Gross, supported by Sovel, to accept the recommendation of the Township Supervisor to appoint Dick Zemmin to the Parks and Recreation Committee. **MOTION CARRIED UNANIMOUSLY**

ITEM 5:6-9 CONTRACT AWARDS AND AGREEMENT

A. Renewal of Billing Agreement with AccuMed Billing, Inc. – Tabled from 04-14-09

MOTION by Munro, supported by Sovel, to remove Renewal of Billing Agreement with AccuMed Billing, Inc. from the Table.

MOTION CARRIED UNANIMOUSLY

Phillip Adkison, Township Attorney spoke of the Agreement and advised the Board of changes in which he recommends.

MOTION by Gross, supported by Sovel, to approve the Billing Service Agreement with AccuMed Billing, Inc. and authorize the changes made by the Township Attorney. **MOTION CARRIED UNANIMOUSLY**

B. Golfside Paving and Drainages S.A.D.

Jay James, Giffels-Webster Engineers recommends the contract be awarded to the low bidder, Nagle Paving.

MOTION by Munro, supported by Kirkwood, to accept the recommendation of Giffels-Websters Engineering to award the Golfside Paving and Drainage Contract to the low bidder, Nagle Paving Company at a cost of \$125,782.00.

MOTION CARRIED UNANIMOUSLY

C. Oakland County Contract for Equalization Division Assistance Services

Phillip Adkison, Township Attorney spoke of the Contract.

MOTION by Munro, supported by Sovel, to approve the Contract for Equalization Division Assistance Services.

ROLL CALL VOTE

AYES: Munro, Sovel, Long, Gross, Zoner
NAYS: Kirkwood
ABSENT: Abrams

MOTION CARRIED

ITEM 6:6-9 INTRODUCTIONS

An Ordinance to Amend Ordinance No. 79-98-00 to be known as the Charter Township of Commerce Fee Ordinance 2.001

Hans Rentrop, Township Attorney explained the Ordinance.

MOTION by Kirkwood, supported by Gross, to Introduce An Ordinance to Amend Ordinance No. 79-98-00 to be Known as the Charter Township of Commerce Fee ordinance, Ordinance 2.001, publish, post in the manner prescribed by law.

MOTION CARRIED UNANIMOUSLY

ITEM 7:6-9 ADOPTIONS

None

ITEM 8:6-9 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:6-9 CONSENT AGENDA

- A. Approve the Resolution Authorizing West Nile Virus Fund Expense Reimbursement Request.**
- B. Approve the Permit for the North Commerce Lake Fireworks Display.**
- C. Approve the Permit for the Lake Sherwood Fireworks Display.**
- D. Approve the Requisition requesting the State Legislature Enact the Bills Proposed by the Bi-partisan Members of the Transportation Funding Task Force.**

MOTION by Munro, supported by Kirkwood, to approve the Resolution of the Township Board of the Charter Township of Commerce Approving Consent Agenda.

ROLL CALL VOTE

AYES: Munro, Kirkwood, Sovel, Long, Gross, Zoner

NAYS:

ABSENT: Abrams

MOTION CARRIED UNANIMOUSLY

ITEM 10:6-9 PURCHASES

A. Consideration for Purchase of New Medic 2

Joseph Schornack, Fire Chief spoke of the need for a new emergency vehicle.

New Medic 2 (continued)

MOTION by Gross, supported by Kirkwood, to approve the recommendation of the Township Fire Chief for the purchase of one new (white) Medic 2 vehicle for the Fire Department from Emergency Vehicles Plus at a cost not to exceed \$140,000.00.
MOTION CARRIED UNANIMOUSLY

B. Library Shelving for Fiction and Audio book CDs

Eric Suess, Library Director was present to advise the Township Board that the Library Advisory Board recommends the purchase of shelving from Library Design Associates.

MOTION by Sovel, supported by Kirkwood, to approve the recommendation of the Library Board to purchase shelving for the Library, as submitted by Library Design Associates, Inc., at a cost not to exceed \$12,000.00.

MOTION CARRIED UNANIMOUSLY

ITEM 11:6-9 OLD BUSINESS

None

ITEM 12:6-9 NEW BUSINESS

A. Fire Station #1 Options to Repair Existing and Install New Pavement

Joseph Schornack, Fire Chief spoke of the repairs to the existing parking lot at Fire Station #1.

MOTION by Munro, supported by Long, to approve the recommendation of Giffels-Webster Engineers and the Fire Chief to repair of the existing parking lot at Fire Station #1 at a cost not to exceed \$35,000.00.

MOTION CARRIED UNANIMOUSLY

B. Discuss Logo/decals for the Library Vehicle

Eric Suess, Library Director discussed the option of placing the Library or the Commerce Township logo on the new Library vehicle.

MOTION by Sovel, supported by Kirkwood, to direct the Library Director to obtain pricing on two Library Logos for the new Library vehicle and bring back to the Township Board.

MOTION CARRIED UNANIMOUSLY

C. Demolition of Building at Commerce and South Commerce Roads

Jeffrey Bowdell, Building-Zoning-Water & Sewer Director, spoke of the demolition and recommends the low bidder, American Recycling.

**Demolition of Building at Commerce and South Commerce Roads
(continued)**

MOTION by Sovel, supported by Gross, to approve the recommendation of Jeffrey Bowdell to award the contract to demolish the building at Commerce and South Commerce Roads to American Recycling at a cost not to exceed \$15,000.00, funds to come from the Sanitary Sewer Fund.

MOTION CARRIED UNANIMOUSLY

D. Grass Cutting Bids Pursuant to the Property Maintenance Code
Jeffrey Bowdell, Building-Zoning-Water & Sewer Director spoke of the bids received and recommends the low bidder, Bud & Zippers.

The bidders did not provide insurance coverage.

MOTION by Munro, supported by Kirkwood, to Table Grass Cutting Bids.

ROLL CALL VOTE

AYES: Munro, Kirkwood, Long, Zoner

NAYS: Gross, Sovel

ABSENT: Abrams

MOTION CARRIED

MOTION by Munro, supported by Kirkwood to remove Grass Cutting Bids from the Table.

MOTION CARRIED UNANIMOUSLY

MOTION by Munro, to authorize Jeffrey Bowdell to work with the low bidder, Bud & Zippers on the award of the bid for grass cutting pursuant to the Property Maintenance Code. The Township shall pay for an umbrella insurance policy.

MOTION DIED LACK OF SUPPORT

MOTION by Long, to enter into a contract for grass cutting with a company that provides an umbrella policy.

MOTION DIED LACK OF SUPPORT

MOTION by Kirkwood, supported by Sovel, to enter into a contract with Bud & Zippers for Grass Cutting pursuant to the Property Maintenance Code contingent upon verification of sufficient insurance coverage.

MOTION CARRIED UNANIMOUSLY

F. Tax Abatement Policy

Phillip Adkison, Township Attorney gave a summary of the policy.

MOTION by Zoner, supported by Kirkwood, to Table the Tax Abatement Policy.

MOTION CARRIED UNANIMOUSLY

ITEM 12:6-9 NEW BUSINESS (CONTINUED)

G. Grievance #09-001 Firefighters

Randy Hall, President Local #2154 was present.
Joseph Schornack, Fire Chief was present.

MOTION by Zoner to deny Grievance #09-001.

MOTION DIED LACK OF SUPPORT

MOTION by Zoner to Table Grievance #09-001.

MOTION DIED LACK OF SUPPORT

MOTION by Sovel, supported by Kirkwood, to approve Grievance #09-001 for 24 hours of overtime.

Supervisor Thomas Zoner discussion – Court costs may have been unavoidable no matter how the vote turned out.

ROLL CALL VOTE

AYES: Sovel, Kirkwood, Long, Munro

NAYS: Gross, Zoner

ABSENT: Abrams

MOTION CARRIED

ITEM 13:6-9 ORDERS AND ADD-ONS

MOTION by Gross, supported by Kirkwood, to approve the orders and add ons.

MOTION CARRIED UNANIMOUSLY

ITEM 14:6-9 OTHER MATTERS

Sovel – Talked to Ken Hale, Insurance Attorney – There was a Motion to write up the RFP for the Sanitary Sewer Treatment Plant and bring it to the Township Board for approval. After talking to Linda Mayer, he is asking the board to forego bringing the RFP to the Twp Board for review because the proposal will state the same as the RFP and time is running short.

MOTION by Sovel, supported by Munro to approve Rick Sovel's request for the Township Board to review the proposal in place of the RFP for the Sanitary Sewer Treatment Plant.

ITEM 14:6-9 OTHER MATTERS (Motion continued)

ROLL CALL VOTE

AYES: Sovel, Munro, Gross, Zoner, Kirkwood

NAYS: Long

ABSENT: Abrams

MOTION CARRIED

Engineer Jay James, Giffels-Webster presented to the Board- SRF (sewer revolving fund) Grant Loans applications on project Newton Road Force Main, Waste Water Treatment Plant Effluent force main extension and effluent heat recovery system to be submitted to the Michigan Department of Environment.

MOTION by Zoner, supported by Gross to approved the resolution for the SRF (sewer revolving fund) Loan Application and project plans for submission to the Michigan Department of Environment. The Township Board approves the project and agrees to implement it.

ROLL CALL VOTE

AYES: Sovel, Munro, Gross, Zoner, Kirkwood, Long

NAYS:

ABSENT: Abrams

Kathleen Cassidy, Township Planner, advised the Board of a company that contacted her that advertises for communities, at no cost, on their web site. The only condition is the community provides a link from their web site to the company's web site. When you get to their web site, different advertisements pop up. Phillip Adkison, Township Attorney gave several reasons why this might not be a good idea for the Township: They are asking for a 3-year contract, the contract is sparse and obligates you to link to their web site which is full of advertisements, they could have advertisements for sexual orientated businesses in which you would not have control over, and you have no control of their web site. Munro – is strongly against this.

Phillip Adkison, Township Attorney stated in the Approval of Minutes of May 12, 2009 it should note the following change: **second page, Item 3 B. move the last sentence to second page Item 3 A.**

Recess: 10:10 p.m.

Reconvene: 10: 15 p.m.

ITEM 15:6-9 EXECUTIVE SESSION
Attorney/Client Privilege Information

MOTION by Gross, supported by Munro, to enter into Executive Session for the purpose of discussing attorney/client privilege information and to adjourn from the Executive Session.

ROLL CALL VOTE

AYES: Gross, Munro, Long, Sovel, Kirkwood, Zoner

NAYS:

ABSENT: Abrams

MOTION CARRIED UNANIMOUSLY

Entered into Executive Session at 10:16 p.m.

Adjourned from Executive Session at 10:54 p.m.



Sandra Abrams, MMC
Clerk, Charter Township of Commerce