

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

March 14, 2017

2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: David Scott, Supervisor, called the meeting to order at 7:03 p.m. and introduced the members of the Board.

PLEDGE OF ALLEGIANCE TO FLAG

ROLL CALL:

Present:	David Scott, Supervisor Melissa Creech, Clerk Molly Phillips, Treasurer Vanessa Magner, Trustee Rick Sovel, Trustee
Absent:	John Hindo, Trustee (excused) Robert Berkheiser, Trustee (excused)
Also Present:	Phillip Adkison, Township Attorney Hans Rentrop, Township Attorney Jason Mayer, Giffels Webster Engineers

APPROVAL OF MINUTES

MOTION by Sovel, supported by Magner, to approve the February 14, 2017 Regular Township Board of Trustees Meeting minutes, the February 21, 2017 Special Township Board Meeting minutes and the February 28, 2017 Special Township Board Meeting minutes, with the following edits to the February 14, 2017, minutes as presented by Phillips:

1. Page 5, Item 12.B. New Business, 2nd paragraph, 2nd line and 3rd lines, rewrite and strike as follows: ... *living and memory care communities within the State of Michigan. They are owned by a group of health care professionals. ~~within the state of Michigan.~~*
2. Page 8, Item 14, Other Matters, last paragraph, strike as follows: *Supervisor Scott – The Township is officially an owner of the Trailway. ~~Council.~~*

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

None

PETITIONS:

None

ITEM 1:3-14 APPROVAL OF AGENDA

Trustee Sovel asked if an item should be added for Byers. Supervisor Scott replied no. **MOTION** by Sovel, supported by Creech, to approve the March 14, 2017 Agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 2:3-14 PUBLIC COMMENTS

Kenneth Feld, Lake Sherwood Subdivision, 4539 Ravinewood Dr, is concerned about his sewer hookup project that was done incorrectly in 2012, when abandonment of his failed septic field was also performed. He asked, who on the Board has responsibility to

manage the activities of the Building Inspector? In conclusion, Mr. Feld reiterated the costly sewer situation that was expensive to undertake initially, and even moreso to remedy a second time.

Supervisor Scott thanked Mr. Feld for coming this evening.

Rob Hayworth, 1170 Hillcrest, Oxford, MI, stated that he is a prior, 30-plus year resident of Commerce Township at 627 Sherbrooke off Commerce Lake. He provided history of his involvement with Friends of Byers since 2005. He discussed demolition of June Byers homestead, his passion for historical preservation, pride in the Byers site and the interest of many to maintain the property. He expressed concern regarding the use of the barn as a museum and he is not in favor of it. He reviewed alternatives for creating a museum space, including building a log cabin there, or using the farmhouse. He addressed funding that was lined up with Friends of Byers, Home Depot, and other contractors. He also elaborated on the requirements for historical properties and uses. He along with others would like to see the property preserved.

Supervisor Scott appreciated meeting Mr. Hayworth in person. He thanked him for coming out and added that he thinks Mr. Hayworth will be pleased.

Regina Fronczak Roth, 4080 Lake Pointe Lane, asked if there will be a second entrance to the new Library along S. Commerce Road, because making a left-turn out onto Commerce Road is not safe. She also inquired about having a van in Commerce Township to transport senior citizen's to doctor's appointments, as Waterford and Farmington do. She realized that currently, Commerce Township does not have this service available.

Supervisor Scott appreciated Ms. Roth's comments and he would call her to discuss a solution to her second question.

Ellen Smith, 215 Foxbury St, has lived in Commerce Township for 24 years and she has been involved with Friends of Byers since 1999. She would like to see the farmhouse preserved and used as a museum, not the barn. She feels the farmhouse is a much more appropriate place and some of the museum funds could be used. The rest of the necessary monies could be gathered from time to time until the work is done.

Supervisor Scott stated that it was nice to meet Ms. Smith in person and he thanked her for her concerns. He closed the public comments and thanked everyone for participating.

ITEM 3:3-14 PUBLIC HEARINGS

A. Roll Resolution for Cooley Lake Aquatic Weed Control SAD

Supervisor Scott opened the Public Hearing.

No comments.

Supervisor Scott closed the Public Hearing.

MOTION by Sovel, supported by Phillips, to approve the Resolution Confirming the Amended Special Assessment Roll for the Special Assessment District designated as Cooley Lake Aquatic Weed Control Special Assessment District.

ROLL CALL VOTE:

AYES: Sovel, Phillips, Magner, Creech, Scott

NAYS: None

ABSENT: Hindo, Berkheiser

MOTION CARRIED UNANIMOUSLY

ITEM 4:3-14 BOARD APPOINTMENTS

None

ITEM 5:3-14 CONTRACT AWARDS AND AGREEMENTS

A. Copier Bid Proposals

Clerk Creech gave a review of the extensive research conducted by Deputy Clerk Dennis. She recommended the lowest rate from Applied Imaging for two new copiers. The current lease for the Canon copiers is up in April 2017. The Fire Station uses Canon with Applied Imaging and the scanner in the Building Department is also with Applied.

Trustee Sovel asked if the 60 or 48-month term was recommended. Clerk Creech recommended the 60 month lease. Treasurer Phillips inquired about whether these are capital leases where the property is owned at the end of the term, or if they are straight leases. Discussions continued regarding a contingency for removal of hard drives, along with the bid pricing.

MOTION by Sovel, supported by Magner, to authorize purchase from Applied Imaging for the two Canon units, 60-month, with a \$1.00 buyout municipal lease, at \$323 per month plus usage, with funds to come from the Township Budgeted General Fund, and that the Attorney will review and approve the contract to ensure verbiage is included that at the end of the lease, the Township will own the hard drive.

MOTION CARRIED UNANIMOUSLY

ITEM 6:3-14 INTRODUCTIONS

None

ITEM 7:3-14 ADOPTIONS

None

ITEM 8:3-14 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:3-14 CONSENT AGENDA

None

ITEM 10:3-14 PURCHASES

A. Two Compact Speed Lidar Units - Oakland County Sheriff Department

Supervisor Scott stated that Deputy Long made contact with him and indicated there was an opportunity to get two Lidar Speed Monitoring devices. The Lidar laser units are much more accurate in definitively targeting specific vehicles and measuring speed and distance. The purchase price is \$1475 each, with shipping of \$20 and a battery cost of \$40, for a total of \$3070 for two units. These units received favorable reviews upon testing in Commerce Township and Oakland County.

Trustee Sovel inquired about training that may be necessary for the devices, and why two units were necessary. Supervisor Scott explained that OCSD provides the basic training at no charge and the device is very simple to utilize. Two units allow the Sheriff's Department to deploy those units during each shift to the traffic enforcement officers.

MOTION by Sovel, supported by Magner, to approve the two DragonEye Compact Speed Lidar Units, shipping and battery, for an amount not to exceed \$3070, to come from the Law Enforcement Budget.

Discussion -

Magner - In the future, is there any way we can work some of this equipment into the contract so it can be included?

Scott - This is new technology, but it is something that will potentially replace the standard cone radar unit in the future; they just haven't come to the definitive determination that this is what they want to use yet.

MOTION CARRIED UNANIMOUSLY

ITEM 11:3-14 OLD BUSINESS

A. DEQ Storm Water Permit

Jay James gave a review of the revised DEQ letter in the packet. Last month, the Board approved a similar letter with slightly different language. Jay James had discussed the matter with Attorney Rentrop and although the language was not ideal, it was not perceived as much of a risk as the Township has no projects anticipated. The previous letter stated, *We don't anticipate any projects, and if we do, we'll apply.* The revision states, *We won't have any projects in the permit term.*

Trustee Magner asked about the process if the Township ends up having a project within the next 5 years. Jay James stated that a letter would need to be submitted to the DEQ requesting an amendment to the permit to implement the post-construction criteria. This would take approximately a month and Oakland County is currently working on their post-construction criteria for the DEQ. That will be adopted by the Township if and when a project arises. This all concerns storm drainage, and currently the Township Ordinances are as stringent as, or more so, than the County's current standards. He reiterated that no projects are foreseen at this time that would qualify as over an acre of construction.

MOTION by Sovel, supported by Phillips, to approve the March 7th letter to MDEQ, replacing the February 14th letter, and authorizing the appropriate signature.

MOTION CARRIED UNANIMOUSLY

B. Supplemental Bond Authorizing Resolution for Capital Improvement Refunding Bonds (Limited Tax General Obligation), Series 2017

Bowden Brown was present to provide a review. This is a relatively simple resolution amending a bond resolution that was approved in October to refinance/refund a portion of the Township's Series 2010-A Capital Improvement Bonds. The financial advisors and the bond underwriter had recommended that the bond issue be downsized to \$10 million which makes it eligible as bank qualified under the Internal Revenue Code. This is an incentive to banks to buy bonds and the limitation is simply that the amount of the issue can't exceed \$10 million, with the expectation that the Township won't issue any more debt in this calendar year.

Treasurer Phillips explained that these were not bank qualified before because the Township was going to refund 100% of what was outstanding, and now the interest rates aren't favorable enough to do that so only a portion will be refunded. Trustee Sovel reiterated, if this were approved, the Township could not issue more than \$10 million in bonds in 2017. Bowden Brown confirmed that it's during the calendar year, and the Treasurer has indicated that there are no plans to issue any more bonds.

MOTION by Phillips, supported by Sovel to support the Resolution for the Supplemental Bond Authorizing Resolution for the Capital Improvement Refunding Bonds, Limited Tax General Obligation, Series 2017.

ROLL CALL VOTE:

AYES: Phillips, Sovel, Creech, Magner, Scott

NAYS: None

ABSENT: Hindo, Berkheiser

MOTION CARRIED UNANIMOUSLY

ITEM 12:3-14 NEW BUSINESS

A. Bicentennial Park Improvements

Parks and Recreation Director, Emily England, gave a review. She explained that she and Trustee Berkheiser had met with the developer, Pinnacle Homes, and they agreed to assist with cleaning up the pathway and entrance to Bicentennial Park at the new subdivision. Pinnacle offered to grade the area and to install a trellis and a split-rail fence if the materials are purchased by the Township. The sign that will be placed at the entrance will match the theme of the current park signs. She clarified that the sign was quoted with tax, so that price would actually be \$675, and the total project would be \$5565. Funds were budgeted.

Trustee Magner asked if Nelson would be installing the sign and why a sign wasn't purchased previously. Director England stated that Pinnacle will be installing the new sign, and there was not an entrance to the park at that location previously until the new sub was developed. Trustee Sovel wanted the record to reflect, for Regina Fronczak-Roth, that the new sign does have the logo on it.

MOTION by Magner, supported by Creech, to approve the recommendation from the Parks and Recreation Committee to purchase materials for Bicentennial Park Improvements as presented.

MOTION CARRIED UNANIMOUSLY

B. DTE Easement Agreement

Attorney Rentrop gave a review of the DTE Easement Agreement. This is an approved DDA property and DTE is providing certain underground utilities to service Commerce Towne Place. The utilities will run under both DDA and Township property, specifically the Township's former Library parcel. Counsel has gone through the easement with Giffels, the DDA's counsel and DTE to finalize the language. This has been discussed with the developer of the parcel at M-5 and they are okay with it also. Therefore, counsel recommends approval by the Board.

MOTION by Sovel, supported by Magner, to approve the DTE Easement Agreement for the underground easement with the number ending in 485-C, and to authorize the appropriate signature. **MOTION CARRIED UNANIMOUSLY**

C. Banner Permit - Orchard Lake Fine Art Show

Supervisor Scott gave a review. This is a typical annual application to Commerce Township requesting permission to put up a banner crossing over Union Lake Road advertising the Fine Art Show. All waivers, insurance and fees have been paid, and all obligations are met.

MOTION by Creech, supported by Magner, to approve the Banner Permit Request for the Orchard Lake Fine Art Show as submitted. **MOTION CARRIED UNANIMOUSLY**

D. MERS Investment Options and Strategy

Treasurer Phillips gave an overview of the task to review the MERS Investment Options for the retiree healthcare funds in trust, which are currently invested in short-term income as shown. She recommended reinvestment of the funds, with 60% to the MERS Capital Preservation Portfolio (20/80), and 40% to the MERS Diversified Bond Portfolio (0/100). The Township has historically avoided stock investments. These two portfolios offer a higher rate of return, a similar safety rating for the principal that's invested, and it's not in stocks, it's in bonds.

Additional discussions were had on risk and return between stocks and bonds.

MOTION by Phillips, supported by Scott, to approve splitting the investments for the Retiree Healthcare held at MERS, with 60% to the MERS Capital Preservation Portfolio, and 40% to the MERS Diversified Bond Portfolio.

MOTION CARRIED UNANIMOUSLY

E. Resolution for Approval of Bank Depositories

Treasurer Phillips gave a review. The last time a resolution was passed was in 2014. This is not required annually, but it is required when bank names change. She asked that the Board approve the resolution for the bank depositories for approved financial institutions in the State of Michigan.

MOTION by Magner, supported by Sovel, to approve the Resolution for Approval of Bank Depositories as presented on the list.

MOTION CARRIED UNANIMOUSLY

F. Investment Policy Updates

Treasurer Phillips provided the policy in the packet for review. It was last updated in 2006 and many requirements have changed. She sought input from the Board and would proceed with updating accordingly, then bring back for further review. Trustee Sovel offered to assist with the process. Discussion took place regarding safeguarding of funds, FDIC and SBIC insured accounts, balance limitations, accounts with Oakland County Government Investments which are safe and diversified, and other investment pools.

MOTION by Magner, supported by Creech, to authorize Treasurer Phillips and Trustee Sovel to work on updating the Investment Policy and Procedure Manual to be brought back to the Board at a later date for further review.

MOTION CARRIED UNANIMOUSLY

G. Sanitary Sewer Rate Study

Jason Mayer, Township Engineer, stated that Dawn Lund of Utility Financial Solutions (UFS) submitted a proposal to conduct the rate study for the wastewater / sanitary sewer system. The last study was done in 2013. Part of what Dawn is doing is helping with work on SAW Grants (Stormwater, Asset Management, and Wastewater (SAW) Program) as some of those costs can be combined with this. The proposed cost from UFS for the Wastewater Financial Projection and Rate Design is \$9,500.

Trustee Sovel asked if the engineers also have fees on top of the fees proposed by UFS. Engineer Mayer replied no, Giffels Webster gives a proposed budget for the water and sewer system at the beginning of each fiscal year. Giffels does coordinate and provides the capital improvement project information, as well coordinating with the Asset Management Plan any lining or maintenance projects that would be involved so that she has all of the numbers going forward to complete her projections.

Supervisor Scott asked if this encompassed the current relining and activity at the Welch Road corridor. Engineer Mayer stated that the lining project was included in the 2013 study. This will look at how much was spent since 2013, how the finances are, and then what is going forward to ensure that the ordinance has the correct rates. There was a rate adjustment to the fee ordinance in the first quarter of 2017. Dawn will be present to deliver a presentation upon completion.

MOTION by Sovel, seconded by Creech, to approve the contract with Utility Financial Solutions for the Wastewater Rate Study and Financial Projections, in the amount not to exceed \$9,500, with money coming from the sewer fund.

MOTION CARRIED UNANIMOUSLY

H. Resolution for Lower Straits Lake Goose Nest Destruction

Supervisor Scott introduced the resolution. This is an annual event sanctioned by the DNR and DEQ. Once the Township approves the activity, it is permitted and overseen by the DNR. The Township acknowledges that it is taking place in Commerce Township in an attempt to manage the often non-migratory population of Canadian Geese that linger.

William Stockdale, 3147 Adele Terrace, was present along with John Levinson, 8770 Oak Beach Drive, Commerce Township.

Treasurer Phillips stated that this request is being presented by the Lower Straits Lake Preservation Committee. She asked what percentage of the lakefront owners on Lower Straits Lake the Committee represents. Mr. Levinson replied that it is all 8 subdivisions that circle the lake. Treasurer Phillips asked if they had recently, or at any time in the past 3-5 years, circulated a petition to lakefront owners to have this approved. Mr. Levinson replied no. They hold an annual meeting and this is one of the topics. Each subdivision is invited to send one representative to the meeting and they have had unanimous approval for the last 5 years. Mr. Stockdale added that a stipulation of the application process is that you can either have 70% of the signatures, or a resolution. Treasurer Phillips asked if they had ever attempted to get lakefront signatures. Mr. Stockdale stated that is nearly impossible as there are lots of folks who don't live on the lake year-round. The resolution is filed by the State in lieu of a petition.

Treasurer Phillips stated there is a Whereas in the document that states, ... *residents of Lower Straits Lake clearly understand that the birds removed may be released at other sites within or outside the State or may be disposed of by euthanization.* If the request is for nest destruction and egg removal, why is that in there? Mr. Stockdale replied that shouldn't be in there as they don't do removal; they just do nest destruction and no goose round-ups. Those have never been done and the group does not intend to.

Clerk Creech noted that for the last resolution approved, the Lower Straits Lake Association provided a copy from each sub association with their presidents' signatures. She asked if that was available. Mr. Levinson responded that they have not yet had their meeting this year.

Trustee Magner asked about the deadline. Mr. Stockdale replied it has to be submitted to the State by April 1st, prior to the organization's May meeting. She asked if it would be possible to ask for something in writing from the associations. Mr. Scott felt it was completely appropriate to require that, prior to the expiration of the resolution; the group should adjust their meeting schedule to meet the State deadlines and have participation reflected through the signatures of those associations. It could be done a year in advance to be in compliance.

Mr. Stockdale added that this is a program approved by the U.S. and Michigan Humane Societies. There are some 200,000 more geese in Oakland County than there should be per capita. They are a danger and can cause safety issues.

MOTION by Scott, supported by Phillips, to approve the Resolution for Lower Straits Lake Goose Nest Destruction for a term of 5 years, 2017 to 2021, with the 4th Whereas being removed from the agreement.

ROLL CALL VOTE:

AYES: Scott, Phillips, Magner, Sovel, Creech

NAYS: None

ABSENT: Hindo, Berkheiser

MOTION CARRIED UNANIMOUSLY

I. Summer Intern - Planning Department

Planning Director, David Campbell, gave a review. He was requesting an amendment to his approved budget to hire a summer intern, 8-10 hours weekly with a proposed pay rate of \$12 per hour.

MOTION by Magner, supported by Phillips, to approve the Summer Intern for the Planning Department, an educational internship for 16 weeks, at \$12 per hour, supervised by the Planning Director, David Campbell.

MOTION CARRIED UNANIMOUSLY

ITEM 13:3-14 ORDERS

MOTION by Sovel, supported by Magner, to approve the Orders and Add-ons.

MOTION CARRIED UNANIMOUSLY

Supervisor Scott and Clerk Creech discussed large electric bills that have come in from DTE for the Library after it was closed down. They are looking into what could be drawing so much energy on the site.

ITEM 14:3-14 OTHER MATTERS

- Trustee Magner discussed the timeline for the Richardson Center remodeling project with Director England.
- Acting Fire Chief Todd Martin delivered a report on the recent storm. The Department had 35 to 40 calls throughout the night for downed wires, downed trees and other emergencies. He was surprised to hear that the wind storm was a DTE record for power outages.
- Supervisor Scott discussed the following:
 - Warning centers were available at the Richardson Center and the Library during the power outages. He will be looking into having generators put in at both of those facilities for this purpose in the future. He commended the Fire Department and other Township staff for their coordination efforts with residents and other local communities and churches to find shelter and accommodations for those who were without power.
- He also noted that participation at the new Library is far exceeding visitors at the old site. The existing parking lot capacity is being maxed out. He implored the Board to start considering the size of the parking lot that will be put in at the remodeled Richardson Center.
- Trustee Sovel asked for a formal introduction of the new OCSD Substation Commander. Supervisor Scott introduced Lieutenant Gerald Schroeder. Lt. Schroeder delivered a report to the Board along with an update regarding the recent storm. He is happy to be serving the community and he encouraged communicating with him via email
- Treasurer Phillips had three items to discuss as follows:
 - The actuarial report is from December 2015. Now that the Township is in the MERS trust, and the balance will need to be shown to them, an RFP should be put out for an actuarial.

- Bond Ratings with Moody's and S&P: They both would like to have more formalized capital improvement plans. This will keep ratings up.
- They would also like to have a more formal cash balance on-hand policy.
- Supervisor Scott added that Acting Fire Chief Todd Martin is working on an emergency plan for the Township, which is due for renewal. He is interacting with Hans to get that contract up and running.
 - There is a training class for public officials on June 20th at Oakland County Emergency Management, Homeland Security.
 - The County has an operations center in Pontiac at the dispatch center for the directors of local communities. If anyone is displaced in a storm, tornado, or other emergency, they have a place at the center to be able to operate, interact and continue to support the community.
 - An emergency fund is necessary for emergency equipment or manpower in case of a natural disaster. If the community turns to the State for assistance, the first thing they ask is, "What is the status of your emergency fund?" If there is no fund, the community does not qualify for State assistance.
 - There will be a Sky Warn Training Program, sponsored by the Adult Services Librarian. There's still time to register if anyone wants to learn about weather storm watch. This program offers a certificate of accreditation. It will be held on March 21st, and Commerce Township has 80 participants so far which is the best enrollment in the County. Orion and Oxford might also send their attendants to the Commerce Township class.

ITEM 15:3-14 CLOSED SESSION - None

None

ITEM 16:3-14 ADJOURNMENT

As there were no other matters to come before the Board.

MOTION by Scott, supported by Magner, to adjourn the meeting at 8:54 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce