

**CHARTER TOWNSHIP OF COMMERCE  
TOWNSHIP BOARD OF TRUSTEES  
QUARTERLY DISCUSSION MEETING &  
\*\*SPECIAL\*\* JOINT MEETING WITH THE  
PARKS AND RECREATION COMMITTEE**

*Tuesday, April 28, 2015*

2009 Township Drive

Commerce Township, Michigan 48390

**CALL TO ORDER:** Thomas K. Zoner, Supervisor, called the joint meeting to order at 7:00pm and introduced the members of the Board.

**ROLL CALL:** Present: Thomas K. Zoner, Supervisor  
Vanessa Magner, Clerk  
Molly Phillips, Treasurer  
Robert Long, Trustee  
Rick Sovel, Trustee  
John Hindo, Trustee  
Robert Berkheiser, Trustee  
Also Present: Phil Adkison, Township Attorney

**CALL TO ORDER:** Tim Wichert, Chairperson of the Parks and Recreation Committee, called the joint meeting to order at 7:00pm and introduced the members of the Committee.

**ROLL CALL:** Present: Tim Wichert, Chairperson  
Peter Pace, Vice Chairperson  
Michelle Holmes, Secretary  
Barbara Garbutt  
Bob Berkheiser  
Linda Champagne  
William Petsch (excused, arrived 7:58pm)  
Also Present: Emily England, Director of Senior Services/Parks and Recreation

**ITEM 1:4-28 FRIENDS OF BYERS APPLICATION FOR ALCOHOLIC LIQUORS  
SPECIAL PERMIT**

Ms. Magner stated that the Friends of Byers application was received, they have submitted insurance and gone through the state for their liquor license. The event was successful last year. Discussion took place regarding ticket pricing, attendance, tents, fencing and containment. The liquor license does permit beer and wine and efforts to bring in beer were also discussed, however the opportunity was not available.

**MOTION** by Magner, supported by Berkheiser, to approve the Friends of Byers Application for Alcoholic Liquors Special Permit for the Wine Tasting event scheduled for June 27, 2015.

**MOTION CARRIED UNANIMOUSLY**

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**ITEM 2:4-28 JOB DESCRIPTION FOR RICHARDSON COMMUNITY CENTER**

Ms. England - In the 2015 budget, a full-time person was approved for the Richardson Center. In the discussion, this was listed as a clerk/typist position; however, upon review, the job actually includes more responsibility. In my absence, this person will be responsible for the entire building and every senior citizen. I rewrote the job description with Janet's assistance and reformatted the position as Assistant to the Director. The Parks Committee reviewed this last night and made a motion recommending approval. I believe this was previously set at \$12 per hour. I would like to see it set at \$14 an hour. This will cause next year's budget to increase, but again, the position has more responsibility than originally discussed.

Discussion took place regarding similar jobs and equivalent salaries, the union contract and levels for introductory and intermediate pay levels, and the fact that this is not a union position, which therefore does allow flexibility. Supervisor Zoner suggested that the position start out at \$12 per hour and then come back for evaluation to see if the new staff member is meeting expectations. Mr. Berkheiser and Mr. Sovel discussed the intentions of the position, staffing, the 5-day work week and the hours of the Richardson Center.

Ms. Garbutt added commentary with regard to senior centers in other communities. She feels that Commerce Township is far behind the progress of these other facilities and she agrees that the Senior Center is understaffed.

Mr. Berkheiser asked if this Assistant would be concentrating more on one area or the other, Parks or the Senior Center. Ms. England replied that the Assistant will need to understand both sides to be able to cover everything in her absence. Ms. Magner discussed the current part-time position that exists at the Senior Center with Ms. England. There is a desire to retain this staff member also as she assists during the busiest times of the week and she's a huge asset.

Mr. Sovel inquired about the interview process. Supervisor Zoner explained that HR and Ms. England will be handling the interview and hiring of the employee.

**MOTION** by Sovel, supported by Magner, to approve the job description posting for the position of Assistant to the Director of the Richardson Community Center, with a full-time schedule, non-union, to include benefits and a starting salary range of \$12 to \$14.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 3:4-28 JOINT DISCUSSION WITH PARKS AND RECREATION COMMITTEE**

**Overall Parks Budget**

Supervisor Zoner opened discussion with the Parks and Recreation Committee regarding the 5-year projections for parks programs, ballot proposals, receipts and disbursements of monies. He addressed the budget of \$500,000 per year, the fund balance and discussed flexibility in planning expenditures. He asked the Committee for their recommendations and the Board members for commentary regarding their expectations.

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Chairperson Wichert - This year, we would like to spend our money on the Maple Glen entrance. It is our big money issue and it's a big priority to begin the project. Next, we would proceed to Hickory Glen Phase 1. Although we're not certain from there, we do have priorities in place to develop additional plans.

Ms. England - When I put this 5-year projection together, I had really prioritized Wise Road for next year along with the grant funding. The majority of the fund would be for that development Phase 1 at Wise Road. Beyond that, part of why we are here is to seek the Board's direction on budgeting for the next 5 years. Our Master Plan shows the priority projects. We have concept plans for Maple Glen, Dodge V, Hickory Glen and Wise Road. As a Board, what would you like to see?

For this year and next year, we're really focusing on Wise Road to show the residents that we are going to develop that and open it up for recreational use.

Chairperson Wichert - This year, we also set a new priority in Forestry Management. We're trying to make the parks safer by removing some of the trees that were dangerous. This was Michelle's suggestion.

Ms. Holmes - There just has to be some maintenance done and some replanting. That is an ongoing plan.

Ms. England - There's also discussion of the Senior Center as well. Many of you remember about a year ago, we held discussion and we decided at that time to wait until we found out about the millage. We would like the Board's comments on what you would like to see for that too. We do need to focus on the senior citizen's as well.

Mr. Sovel - Can we not use the term "develop" for the Wise Road Park?

Ms. England - We will use "enhance" instead.

Ms. Holmes - Creating recreational opportunities.

Mr. Berkheiser - Making improvements.

Chairperson Wichert - We would also like to make sure that the Byers Farmhouse is safe. That is one of our priorities.

Mr. Sovel - This list is what you came up with?

Ms. England - This list is for 2015 and it's what we put together when we submitted our 2015 budget.

Mr. Sovel - Where did this come from? Was it general discussion?

Ms. Holmes - It was developed through our Master Plan and our long-term and short-term goals, and where we're at on the millage and budget.

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Mr. Sovel - Was this put into place before we knew there was more money coming in?

Ms. England - We did know.

Mr. Berkheiser - What we've tried to do over the last couple years is put some money into each park. We have one person on the Committee in charge of each park as the steward so we can make sure that the projects are kept on track. The money you're looking at here was money that was already coming in. In theory, there was no millage passed. If the millage had not passed, there would be no money for 2016. This was money that was already available in the budget, then the millage passed.

Mr. Sovel - So you don't need to revise the budget?

Mr. Berkheiser - No. I know there was an attempt to put money into each park. The Maple Glen project has been going on for a while. There was a conscious effort to also put money aside into a building fund. There's also a goal of grant writing with matching funds.

Ms. England - We didn't spend everything that was in the bank either.

Ms. Holmes - We also have our 7 nonprofits that work with us on their pieces of the projects. We're doing some of the infrastructure, but they have plans also and put money into their parks each year. We coordinate with the leagues as well in addition to the budgeting shown here.

Mr. Sovel - So it is your goal to try to spend all of that money next year?

Ms. England - This year.

Sovel - This year, okay.

Chairperson Wichert - Hopefully things start working in that direction.

Mr. Berkheiser - We just issued the contract for Maple Glen, and the Wise Road improvement area is beginning to progress. With springtime, we're also getting ready to do some improvements at Bicentennial Park.

Supervisor Zoner - Having an annual list makes it a lot easier for Emily because then she can plan, get bids and specs and bring them back upon approval so that the Board can award the contracts. Even if you project plans for 2017, 2018 and 2019, you're not stuck. Those may change as situations arise, but this provides a building block for planning. Emily, did you hear anything back on the grant yet?

Ms. England - No.

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Mr. Sovel - I like this concept. It's simple, but gives a visual of everything you need in a snapshot. You could add two columns showing what was budgeted and what was actually spent, and then a status, such as when the project was started and finished.

Ms. Magner - What is "Complete Phase 2 for Dodge V Park of \$25,000"?

Ms. England - That was taken from our 5-year Master Plan. That was done prior to the acquisition of the Wise Road Property.

Ms. Holmes - There are a couple pieces that got pulled out of Phase 2, such as addressing the lighting issue and the well.

Ms. England - It included a restroom building and a dog park, which we've moved now so that it can be larger.

Ms. Holmes - If we have the availability of doing that, it would be nice to complete because we do have the concerts in the park and the athletic fields there. However, it's not as much of a priority as the Maple Glen entrance or the other safety issues that are being addressed.

Mr. Berkheiser - When this budgeting process was done, we met in July or August before certain decisions were made. Part of the conversations included items such as redoing the basketball court and refurbishing the volleyball court at Dodge, but those have been put on hold until we see what happens.

Ms. England - We try to follow the concept plans.

Supervisor Zoner - So really, Phase 2 in Dodge V is primarily at the south end?

Ms. England - The majority of it was on the south side, but some was up on the north section and included the boardwalk in the corner and additional parking.

Mr. Long - I would encourage you to proceed with the process you have. I think you've done a great job and there's a lot of experience, work and dedication. My own personal preference is that you should try to put a lot of emphasis on making our parks more usable. We have two square miles of parkland in the Township out of a total of 28 square miles. There's probably not a municipality in the state that has that large of a percentage of the community designated as parkland that the municipality controls itself. Thank you for everything you do.

### **Hunting at Wise Road**

Supervisor Zoner inquired about Hunting at Wise Road and asked if it was an educational hunting program. Ms. England explained that the Committee has discussed the program several times. Meridian Township offers a good example to follow, although it's much larger than what Commerce Township would have at Wise Road. There has been discussion with the DNR about offering hunting opportunities.

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Although everyone feels it's a good idea, there are also some reservations. Before moving forward any further, the Committee wanted the Board's opinion. It would be something limited, possibly just during the youth hunt, it could just be for bow hunting, the number of hunters could be limited and they could be required to apply through the Township in addition to acquiring a license from the DNR. It needs to be controlled so it is not abused, but that presents the question of who will control it. If the Board feels it's a good idea, the Committee will pursue it.

Mr. Long asked if it needed to be controlled more than what the state laws already provide for, which includes requirements for hunting hours, licensure, training, minimum requirements for distances away from residences, et cetera. Ms. England explained that it can be what the Township makes it, such as in Meridian where they have a lottery and they run full background checks on applicants. They select their hunters, but that system may be excessive. Mr. Long stated that it sounds like these measures indicate a community that is struggling to make decisions. The people he has spoken with are excited that the park may be opened up to hunting.

Discussions continued addressing exercise of control, issues that arise including poaching, potential procedures to be implemented, educational aspects and support from the DNR, state requirements, the lottery option, preventing overpopulation, quadrant divisions, boundaries from adjacent residential, whether or not to restrict to bow hunting only, and appointing someone to manage the program. Chairperson Wichert added that the Committee has considered involving Multi-Lakes in the educational program.

The improvements that are proposed at the park were also discussed, including the parking lot and trailhead. Discussions ensued regarding use of the trails during hunting season and how this is accommodated at other parks. Ms. Magner noted that proper signage would be necessary to clearly indicate the hunting season dates to the other recreational users of the park. Mr. Sovel felt it should be posted a year in advance. Mr. Long felt that the lottery may be a good way to start the program as it would be promotional and challenging, although it may be revisited later and found to be unnecessary. Further detailed discussion continued regarding potential quadrants and land divisions. Ms. Garbutt added that there are other communities that presently use the lottery system and those could be referenced for further guidance. Mr. Berkheiser felt it would be beneficial to send letters to the adjacent residents to get their thoughts on the program.

**Millage Money, Millage Money-Open Space vs. Improvement & Maintenance vs. Improvement**

Ms. England initiated discussion on the millage money. Previously a certain percentage of the millage money was designated for open space and the Committee would like direction on the current millage. Mr. Wichert asked if the Board anticipated purchasing additional park land. Supervisor Zoner explained that there has always been a thought that there is a need for some land in the northwest territory, but when the 518 acres on Wise Road was purchased, there was also the thought that over 1,200 acres of

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Township park land is an awful lot already. It's questionable as to whether or not there is a need for any additional land, but that's not to say that if certain property came up for tax sale that it would not be preserved and the Township could potentially take advantage of the right unique situations. Mr. Long agreed that the door should not be closed on this idea, but he felt it was more important for the Committee to focus on making the existing park lands usable by creating more things for people to do.

Mr. Sovel initiated discussion regarding the horse farm that the Township had acquired. The zoning was reviewed, along with the property management, operations, tenant payments to the Township, any potential offers for sale of the property, protection of the investment, and possible programs to be offered on the site through Parks and Recreation.

**Byers as a Museum & Historical Areas/Space in the New Library**

Supervisor Zoner discussed the Byers Farmhouse improvements. He reviewed the Architectural & Engineering Assessment that was prepared by BDE. He asked for input on ideas for solutions. He addressed going out for bids and seeking contractors that have the experience to perform historical restoration work on the building; however, the problem is that the cost could be \$30,000 to \$40,000 and the fire marshal may still only allow for there to be 4 or 5 users at a time in the building as previously indicated. Additional information is necessary with engineering details on the structure. Chairperson Wichert stated that \$25,000 has been budgeted this year and the Committee would like to see it used toward the repairs and improvements.

Ms. England explained that the question has been about turning the Byers Farmhouse into a museum. Mr. Berkheiser stated that this was suggested in initial discussions with regard to the necessary improvements and historical restoration; however, the Committee is still seeking direction on the matter. Ms. England stated that it would cost a lot more money to turn the house into a museum than it would to just repair it and make it safe for use by residents.

Open discussion ensued addressing the option to create a showplace for period time pieces/historical artifacts, creating an educational environment, varying costs for historical restoration as opposed to repairs for structural soundness and usability, maintaining historical integrity, and also coordinating with the new Library to allow a space for storage and/or showcasing of historical artifacts. After extensive discussion, the majority felt it was necessary to make the Farmhouse stable, safe and usable, and that the historical preservation and museum designation was not an absolute necessity when considering cost factors. Further assessments and grant writing efforts with Ron Campbell were also suggested. A contractor with historical restoration experience was suggested by Friends of Byers and he could achieve a blending of the fully modernized approach along with the historical aspects. Ms. Quinn discussed the fire marshal's restrictions, the load bearing wall, the need for electrical upgrades, and the potential to hold luncheons and small, intimate events in the house after repairs are made if water is brought in, along with installation of a sink and a refrigerator.

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Discussions continued regarding building codes, standards, engineering specifications, and soliciting contractors. Mr. Meenahan encouraged seeking engineering and architectural consultation for direction and advice on the improvements to be made to the structure so that bids could be sought from contractors.

Ms. England would speak further with Jay James, Township Engineer, regarding the repairs to be made to the Byers Farmhouse. The Committee could provide a recommendation at the next Parks and Recreation meeting, which would be forwarded to the Board for their next meeting and then the item could go out for bids. Mr. Berkheiser stated that the museum designation concept was being abandoned. Supervisor Zoner confirmed that it will not be pursued at this time.

Ms. England discussed the possible historical areas, including the suggestion that space be provided in the new Library. Supervisor Zoner stated that the Library construction phase would continue through 2017, so there is a lot of time to discuss this item further. Ms. Holmes stated that a number of items have been donated to be used in the historical collection. Mr. Petsch added that more than a storage closet would be necessary in the Library and he suggested that a lockable room be provided for display with a roped off area where historical items could be viewed by the public. Supervisor Zoner understood and also had suggestions for a temporary storage facility in the interim.

### **Senior Center**

Supervisor Zoner reviewed the Facility Needs Assessment and the suggested plans for the Senior Center improvements and expansion. The goal would be to make the facility ADA accessible and user-friendly, in addition to expanding a portion of the building. Discussion took place regarding environmental and soil testing to ensure that the site is buildable to withstand the foundation of any potential addition in the future.

Open discussions addressed maximizing functionality of the building, revenue options with increased rentals, storage space for equipment, the Township's growing and aging population, senior programming, fundraising and the use of CDBG funds. Deed restrictions were also reviewed with the Township Attorney in relation to the building use. Ms. England concluded that the Committee recommended pursuing Option #5 as presented in the packet. The item would be revisited soon and funding would be further reviewed at that time.

### **ITEM 4: TOWNSHIP BOARD DISCUSSIONS**

#### **Planning Consultant Contract, Resignation & Position**

Supervisor Zoner discussed the need for what he considered emergency action in response to the letter of resignation received from the Township's Planning Consultant. The Planner, Kathleen Jackson, indicated her resignation date as May 22, 2015.

Attorney Phil Adkison explained that the Township also has a 2004 contract with McKenna Associates for additional planning services as needed. His suggestion to the Board was to use the three weeks remaining on Kathleen's contract as a transition



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period, and to use McKenna in the interim to provide services under the 2004 contract and beyond. If the Board will be releasing the RFP to fill the Planner position, that will take a period of time to prepare and distribute the request, and to receive responses, evaluate them and make a decision. McKenna could function under their 2004 contract until that process is complete and a new Planner is selected. He added that McKenna had submitted a letter suggesting that they are ready to assist immediately with Amy Neary to be the Planner assigned to the Township. She has worked with the Township before with Kathleen on special projects. This could be done for a 45-day period while the Board makes their decisions on these contracts. He did note that there were some items that were not included in the 2004 contract and those additional items were performed at the rate of \$110 per hour as opposed to the original contract rate of \$100.

Phil Adkison stated that there are a lot of things going on in the Township that involve Kathleen; some in the Planning function and some in the DDA. In addition, the Township is right in the middle of trying to close on the trail in the Trailway Council. Therefore, he would like to see someone brought in to assist during the limited period of time that Kathleen will still be at the Township. He had spoken personally with Kathleen in an attempt to persuade her to reconsider her resignation, however, she had confirmed her decision. He also did not feel that she would be extending her 30-days' notice as she has a number of other things going on that require her attention.

Supervisor Zoner discussed the dilemmas presented and reviewed options for finding another contractor, investing in a full-time Planner, looking at a firm like McKenna for consulting services, and/or going out for bids. He recommended that the Board immediately advertise for the full-time position. Mr. Sovel agreed. Mr. Berkheiser inquired about the history of having the position occupied by an independent contractor and initiated discussion regarding having an employee. Supervisor Zoner explained that contracting was found to be reasonable and that it had actually saved the Township a lot of money over the years. Attorney Adkison and Mr. Long elaborated upon the history and employment status of the previous Planners at the Township over past years and the results of each Planner. The Board discussed a full-time position with benefits and potential salary ranges, and then compared the costs to the current contractor rates. They addressed staffing of the Community Development Department at length, along with staffing and duties of other Township departments. Discussion also ensued regarding replacement of the DDA Director, the Board's approval of the recommendation to be made by the DDA for said replacement, budgeting, the history of the DDA and conflicts of interest.

Mr. Berkheiser suggested that the Board agree to the McKenna contract for 45 days and proceed with pursuing a full-time Planner. Supervisor Zoner discussed the issues of bringing in a new Planner and how when a person is brand new to the Township, they have a long way to catch up with the history. It would take some time, but having someone on staff full-time would make it easier for them to get caught up. Supervisor Zoner would work diligently to bring back the salary range and job description for a full-time Planner for the next Township Board meeting so that the position could be posted.

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**MOTION** by Magner, supported by Berkheiser, to proceed under the 2004 McKenna contract during the interim basis, to replace Kathleen Jackson as Planning Consultant, and also allowing for the additional services, that were not included in the original contract, to be performed and billed at the higher rate of \$110 per hour as set forth in the McKenna letter dated April 28, 2015. **MOTION CARRIED UNANIMOUSLY**

Attorney Adkison suggested that the Board consider viewing a one-hour PowerPoint presentation regarding the legal relationship between the Township and the DDA. He felt it would be a benefit before getting too far into appointing a successor for Kathleen as the DDA Director. Historically, the Board has not exercised a lot of control, but it is his view that the Board has enormous control over that function if choosing to make use of the statutory tools available. Mr. Berkheiser suggested coming in an hour early to a meeting for the presentation. Supervisor Zoner requested that counsel distribute the previous memorandum in this regard so that it could be read prior to the meeting, and that arrangements be made for the presentation.

### **Toubey Property**

Attorney Adkison reviewed the Phase 1 environmental assessment report for the Toubey Property with the Board. He explained the concerns that were found and stated that Phase 2 has been recommended. He cited the letter that was included in the packet which provided the estimate of costs for Phase 2 of \$12,000 to \$19,500 and a time frame of 4 to 7 weeks. The 90-day due diligence period was negotiated with Mr. and Mrs. Toubey and that will end in May 2015. It is not realistic that the Phase 2 will be completed during the contract limits and therefore, Mr. Toubey's counsel was contacted. She was advised and consulted regarding the McDowell report and the extension that would be requested of at least 60 days. She indicated that she would recommend the extension to her client and he had explained to her that authority would be sought from the Board this evening to proceed and amend the purchase agreement.

**MOTION** by Berkheiser, supported by Magner, to direct the Township Attorney to proceed with pursuing an extension of the due diligence period for an additional 60 days, and to amend the purchase agreement accordingly, to allow for completion of the Phase 2 environmental assessment at the Toubey property, and to authorize McDowell to provide services for Phase 2 and Environmental Site Assessment in the event that the purchase is further pursued by Commerce Township.

**MOTION CARRIED UNANIMOUSLY**

### **Union Negotiations**

Supervisor Zoner discussed upcoming union negotiations in September, contacting the labor attorney, and grievances to be addressed.

### **Tri-Party Funding**

Supervisor Zoner asked for input from the Board regarding road projects that Tri-Party Funding should be invested into. Ms. Magner suggested Richardson Road. Mr.

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Berkheiser agreed and also suggested Oakley Park. Discussion continued regarding the timing for any road projects. Supervisor Zoner would need to communicate with the RCOC regarding their project of choice in order to secure funding; however, it was unlikely that the project would commence in 2015. Traffic studies and available funding were briefly discussed in relation to the roadway issues that need to be addressed. After further discussion, Newton Road was decided upon as the designated road project. Supervisor Zoner would forward the recommendation to the RCOC, but would also explain that construction would likely be held off until 2016.

**Other Staffing Matters & Discussions**

Supervisor Zoner initiated discussion on staffing in the Community Development Department and is looking for approval to hire a full time level 1 clerical administrator.

**MOTION** by Sovel, supported by Berkheiser, that the Board authorize the Supervisor to hire a temporary, full-time employee for the Community Development Department, as help is necessary now in the Department, and this is non-committal to allow time for the staffing needs of the Community Development Department to be further evaluated and assessed by the Supervisor and the Board.

**MOTION CARRIED UNANIMOUSLY**

**Other Matters**

- Supervisor Zoner initiated brief discussion regarding zoning in the DDA and a potential conditional rezoning proposal.
- Potential multiple-family projects within the community were also discussed.

**ITEM 5:4-28 TOWNSHIP BOARD LIAISON - LIBRARY ADVISORY BOARD -  
TABLED 3-14-2015**

**MOTION** by Sovel, supported by Berkheiser, to remove Item 5:4-28, Liaison - Library Advisory Board, from the table.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Magner, supported by Phillips, to appoint Supervisor Tom Zoner to the Library Advisory Board as the Township Board Liaison.

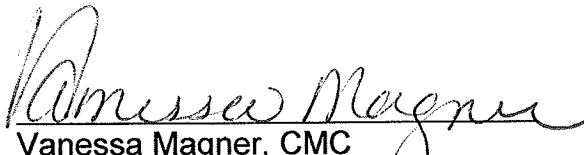
**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:4-28 ADJOURNMENT**

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

**MOTION** by Magner, supported by Berkheiser, to adjourn the meeting at 9:49pm.

**MOTION CARRIED UNANIMOUSLY**



Vanessa Magner, CMC  
Clerk, Charter Township of Commerce