

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

Tuesday, February 9, 2010

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
Sandra Abrams, Clerk
Susan Gross, Treasurer
Debra Kirkwood, Trustee
Robert Long, Trustee
Daniel Munro, Trustee
Rick Sovel, Trustee

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

APPROVAL OF MINUTES

MOTION by Abrams, supported by Kirkwood, to approve the Regular Township Board Meeting minutes of January 12, 2010, the Quarterly Township Board Discussion Meeting minutes of January 26, 2010 and the Special Township Board Meeting minutes of February 2, 2010, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

A. Certificate of Appreciation for Firefighter Fred Trott – 30 Years of Service

Joseph Schornack, Fire Chief, commended and presented a Certificate of Appreciation to firefighter Fred Trott for thirty years of service with the Commerce Township Fire Department.

PETITIONS:

A. Special Project No. 30

MOTION by Gross, supported by Abrams, to approve the Resolution of the Township Board of the Charter Township of Commerce, Tentatively Declaring its Intention to Establish a Special Assessment District to be known as Special Projects No. 30, post and publish according to law. Resolution Attached

MOTION CARRIED UNANIMOUSLY

ITEM 1:2-9 APPROVAL OF AGENDA

MOTION by Sovel, supported by Abrams, to approve the Agenda with the addition of Item 1 a. D.D.A. request to consider January warrants and Item 17 Closed Session with the Township Attorney.

MOTION CARRIED UNANIMOUSLY

A. D.D.A. WARRANTS

Wynn Berry, D.D.A. Director was present to request payment of \$100,000.00 to Detroit Edison for planning and design expenses incurred for construction of the project.

MOTION by Sovel, supported by Kirkwood, to approve payment of \$100,000.00 to Detroit Edison for planning and design expenses incurred for construction of the project. Funds to come from the bond proceeds.

ROLL CALL VOTE

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

NAYS: Long

MOTION CARRIED

Wynn Berry, D.D.A. Director requested payment of invoices for the following:

- Detroit Edison for \$30.82.
- Wyandotte Electric Supply for \$32,684.44.
- Giffels-Webster Engineers for \$41,546.48, \$266.00 and \$399.00.
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- Wynn Berry wages \$7,520.83.
- Fuller Appraisal \$7,500.00.

D.D.A. WARRANTS (continued)

Trustee Munro – During the January Township Board meeting the D.D.A. was given a directive not to incur any additional charges.

MOTION by Munro, supported by Long, to deny the request of Wynn Berry, D.D.A. Director to pay invoices submitted for cost incurred January 2010.

ROLL CALL VOTE

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

NAYS: Kirkwood

MOTION (TO DENY) CARRIED

Trustee Sovel requested Wynn Berry present a list of all properties owned by the D.D.A. Mr. Berry said he will provide the list to the Township Board on February 10, 2010.

ITEM 2:2-9 PUBLIC COMMENTS

Vicki Yost, Commerce resident, stated opposition to the lawsuit Commerce Township vs Aggressive Marine regarding outdoor boat storage. She presented a letter to the Board stating her reasons for opposing the lawsuit.

Tom Thomasma 1480 Scotland Drive, Commerce resident, is opposed to the lawsuit Commerce Township vs Aggressive Marine.

A resident was present to object to the lawsuit Commerce vs Aggressive Marine.

Judy Unick 2719 Welch Road, agrees that a lawsuit should not have been filed against Aggressive Marine. She also stated that billboards are not allowed in the Township although a truck with advertisement on it, is still sitting on a parcel within the Township.

Lawrence Levy 1602 Wandrei Court, requested an explanation on why a lawsuit was filed against Aggressive Marine without first attempting a resolution.

Phillip Adkison, Township Attorney stated the litigation against Aggressive Marine involves a number of violations including violations to the approved site plan. He stated an attempt with representatives of Aggressive Marine to resolve the violations was unsuccessful.

ITEM 8:2-9 INTRODUCTIONS

None

ITEM 9:2-9 ADOPTIONS

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MOTION by Abrams, supported by Kirkwood, to Adopt an Ordinance to Amend Article XIII Section 1301 of the Zoning Ordinance of the Charter Township of Commerce to be known as Ordinance No. 55-10-208, post and publish according to law. **MOTION CARRIED UNANIMOUSLY**

- B. An Ordinance to Amend the Code of Ordinance, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.008 – Tax Abatement.**

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ITEM 10:2-9 SITE CONDOMINIUMS AND PLATS

None

ITEM 11:2-9 CONSENT AGENDA

None

ITEM 12:2-9 PURCHASES

None

ITEM 13:2-9 OLD BUSINESS

- A. Municipal Separate Storm System Permits**

Phillip Adkison, Township Attorney gave an overview. His recommendation would be to remain in the class action lawsuit and allow the cases to proceed through the circuit court without further action by the Township.

Municipal Separate Storm System Permits (continued)

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MOTION CARRIED UNANIMOUSLY

ITEM 14:2-9 NEW BUSINESS

A. Capital Charges for Township Park Properties

MOTION by Munro, supported by Abrams, to pay from the General Fund Fund Balance and amend the budget accordingly to pay to the Water fund \$7,330.00 and the Sewer fund \$14,792.00 for Capital and Lateral fees for buildings built on township land built by leagues at their expense and recommended by the Parks & Recreation.

MOTION CARRIED UNANIMOUSLY

B. Grievance #10-001 I.A.F.F. Local 2154

MOTION by Munro, supported by Gross, to Table Grievance #10-001 I.A.F.F. Local 2154.

MOTION CARRIED UNANIMOUSLY

ITEM 15:2-9 ORDERS

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

MOTION CARRIED UNANIMOUSLY

ITEM 16:2-9 OTHER MATTERS

Long – The Township should create a Resolution to show our appreciation to City of Novi for allowing Commerce to utilize space on their sign located on M-5

Sovel – passed out a copy of millage that a nearby community has placed on the February 2010 ballot.

ITEM 17:2-9 CLOSED SESSION

MOTION by Abrams supported by Gross, to enter into Closed Session to discuss pending litigation and attorney client privileged information

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

8:02 p.m. recess

Entered into Closed Session at 8:10 p.m.
Retuned Closed Session at 8:50 p.m.

MOTION by Abrams supported by Kirkwood, to approve the Closed Session Minutes. **MOTION CARRIED UNANIMOUSLY**

ITEM 18:2-9 ADJOURNMENT

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

MOTION by Abrams, supported by Zoner, to adjourn at 8:50 p.m. **MOTION CARRIED UNANIMOUSLY**



Sandra Abrams, MMC
Clerk, Charter Township of Commerce

**RESOLUTION OF THE TOWNSHIP BOARD
OF THE CHARTER TOWNSHIP OF COMMERCE,
TENTATIVELY DECLARING ITS INTENTION
TO ESTABLISH A SPECIAL ASSESSMENT DISTRICT
*SPECIAL PROJECTS NO. 30***

At the regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 9th day of February, 2010, in the Township Hall at 7:00 p.m.

PRESENT: Thomas Zoner, Sandra Abrams, Susan Gross, Daniel Munro, Robert Long, Rick Sovel, Debra Kirkwood

ABSENT: None

The following preamble and resolution were offered by Susan Gross and supported by Sandra Abrams.

WHEREAS, the Charter Township of Commerce, Oakland County, Michigan, has received a petition requesting the establishment of a special assessment district to finance capital and other miscellaneous charges related to connection to the public water and sewer systems, and;

WHEREAS, the Charter Township of Commerce has caused to be prepared plans showing the improvement, the location thereof and an estimate of the cost thereof, and;

WHEREAS, the Charter Township of Commerce is in receipt of such plans and estimates of costs, the same having been filed with the Township Clerk,

NOW, THEREFORE, BE IT RESOLVED THAT:

1. In accordance with Public Act 188 of 1954, as amended, the Township Board of the Charter Township of Commerce, Oakland County, Michigan, hereby tentatively declares its intention to finance capital and other miscellaneous charges related to connection to the public water and sewer systems to provide service to that portion of the Township described in attached Exhibit A. The Township Board tentatively designates the Special Assessment District against which the cost of the improvement is to be assessed as being that portion of the Charter Township of Commerce described in "Exhibit A" attached hereto and made a part hereof.
2. The Township Board of the Charter Township of Commerce, Oakland County, Michigan, will meet on the 9th day of March, 2010, at 7:00 p.m. in the Township Hall, located at 2009 Township Drive, Commerce Township, Michigan, 48390, to receive public comments

regarding the project, the petitions filed, and the creation of a Special Assessment District to pay costs associated with this improvement project.

3. The Township Board of the Charter Township of Commerce tentatively designates this proposed Special Assessment District as: ***Special Projects No. 30.***
4. In order to appeal the amount of any special assessment, affected owners or parties with an interest must protest the proposed assessment. This may be done by appearing in person at the hearing, having an agent appear at the hearing on behalf of an owner or party in interest or by filing a protest by the hearing date, by letter addressed to the Township Clerk at 2009 Township Drive, Commerce Township, Michigan, 48390. An owner or party having an interest in the real property affected by the special assessment may file a written appeal of the special assessment with the Michigan Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment is protested at the hearing held for the purpose of confirming the special assessment roll.

AYES: Thomas Zoner, Sandra Abrams, Susan Gross, Daniel Munro, Robert Long, Rick Sovel, Debra Kirkwood

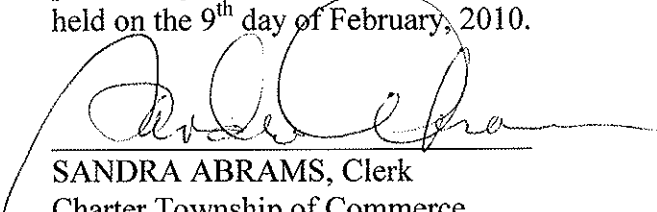
NAYS: None

ABSENT: None

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I, the undersigned duly qualified Township Clerk of the Charter Township of Commerce, Oakland County, Michigan, do hereby certify the foregoing is a true and complete copy of the proceedings taken by the Township Board of the Charter Township of Commerce at a meeting held on the 9th day of February, 2010.


SANDRA ABRAMS, Clerk
Charter Township of Commerce

Dated: February 10, 2009

EXHIBIT A

Water

17-01-429-013
17-12-227-006

Sewer

17-01-128-005
17-01-178-012
17-01-277-010
17-06-402-020
17-07-127-007
17-07-401-013
17-10-351-002

* Passed out to Brd members
during Public Comments

Attach to Memo

February 9, 2010

To the Board of Commerce Township

RE: On-going litigation between Commerce Township and Aggressive Marine

I understand Commerce Township is currently involved in a lawsuit with Aggressive Marine. If I am to understand correctly this dispute centers upon the ability of this business to store boats outside, subsequent to a zoning change enacted in 2005, under the direction of the DDA, precluding outside storage in DDA areas. The question here alleges this business operated from 2004 through 2009, without a certificate of occupancy and now as a result is not grandfathered to store boats outside. While there are other facets to this suit, the above represents the main thrust of the township's position as I understand it from the owner.

As you know, lake residents pay disproportionately higher taxes and are precluded from storing their boats or trailers on their property. So now the township pursues unnecessary litigation against Aggressive Marine who is the only boat storage yard in Commerce Township that has made an investment of some \$3,000,000, in property and a building and pays taxes in this township. According to the owner of this business this suit has been in progress for over 16 months, at a cost to him of over \$65,000. As a resident and taxpayer I would like to know exactly how much the township has spent pursuing this law suit.

While I am a customer and friends with the defendant, given the circumstances in this case, I think some calmer heads should be looking at this case to make sure the township is doing the right thing for both the township residents and for this business. I feel pursuit of this litigation is an expenditure the township can ill afford at this time nor is it justified or necessary, given the township has laid off employees and announced they cannot afford Sheriff patrols next year. Let's be honest here, if it is such a big deal now, how did the township fail to act for so long (6 years)? Answer is either incompetence or this lawsuit is dirty pool with ulterior motives yet to be discovered.

As I understand it, the township established and developed the DDA to promote the introduction of new business into the DDA area. Given the current economy this is going to be a more difficult task than anyone envisioned. So, the township is now pursuing litigation to force a business out of business, based on alleged faults of the township and the business. Doesn't this send the exact opposite message needed to promote this township at this time? Is the nature of this alleged violation hazardous, significant, or detrimental to the community? This taxpayer provides boat storage to township residents in a safe and orderly manner. I have dealt with this business since 2006 and have been more than happy with his business, its presence and the nature of his business. View this

Item 14 A. Capital Charges for Twonship Park Property

	Water	Sewer
Hawks		
Sewer Lateral Charges	\$ -	\$ 4,896.00
Sewer Capital Charges	\$ -	\$ 2,500.00
	\$ -	\$ 7,396.00

Baseball		
Sewer Lateral Charges		\$ 4,896.00
Sewer Capital Charges		\$ 2,500.00
Water Lateral Charges	\$ 4,900.00	
Water Capital Charges	\$ 2,430.00	
	\$ 7,330.00	\$ 7,396.00

	Total	
Total from GF to W/S	\$ 7,330.00	\$ 14,792.00
		\$ 22,122.00

Motion to pay from the GF Fund Balance and amend the budget accordingly to pay to the Water fund \$7330.00 and the Sewer fund \$14792.00 for Capital and Lateral fees for buildings built on township land built by leagues at their expense and recommended by the Parks & Recreation and approved by the Township Board of Trustee's.

CHARTER TOWNSHIP OF COMMERCE

RESOLUTION AWARDING BONDS

At a regular meeting of the Township Board of the Charter Township of Commerce (the "Township"), Oakland County, Michigan, held at the Township Hall, on the 9th day of February, 2010, at 7:00 p.m., Eastern Standard Time, there were

Present: Zoner, Abrams, Gross, Kirkwood, Long, Munro, Sovel

Absent: None

The following preamble and resolutions were offered by Gross, and seconded by Abrams:

WHEREAS, proposals for the purchase of the Township's \$16,750,000 Capital Improvement Bonds (Limited Tax General Obligation), Series 2010-A (the "Bonds"), were opened at 3:30 p.m., Eastern Standard Time, on this date, as advertised in The Bond Buyer; and,

WHEREAS, proposals submitted on a timely basis, in proper form, were received at the Township Hall or at the Municipal Advisory Council of Michigan in Detroit from the institutions identified on Exhibit A, which contains the bid tabulations for each of such proposals (including details as to interest rates, premiums and discounts).

NOW, THEREFORE, IT IS RESOLVED THAT:

1. The proposal of Fifth Third Securities, Inc. to purchase the Bonds at par plus accrued interest to the date of delivery, less a discount of \$167,450.90, and bearing interest per annum as follows:

<u>Principal Maturity</u>	<u>Amount</u>	<u>Interest Rate</u>
2013	\$ 295,000	3.000%
2014	\$ 315,000	3.000%
2015	\$ 330,000	3.000%
2016	\$ 350,000	3.000%
2017	\$ 365,000	3.250%
2018	\$ 385,000	4.000%
2019	\$ 405,000	4.000%
2020	\$ 425,000	4.000%
2021	\$ 450,000	4.000%
2022	\$ 470,000	4.000%
2023	\$ 495,000	4.000%
2024	\$ 520,000	4.000%
2025	\$ 545,000	4.100%

2026	\$ 575,000	4.200%
2027	\$ 605,000	4.250%
2028	\$ 635,000	4.350%
2029	\$ 670,000	4.450%
2030	\$ 705,000	4.500%
2034*	\$3,200,000	4.625%
2039*	\$5,010,000	4.750%

*Term bond (see below)

being the bid which produces the lowest true interest cost to the Township (4.538517%), be and the same hereby is accepted, and all other proposals are hereby rejected.

2. The Bonds maturing in the years 2034 and 2039 shall be subject to annual mandatory redemption on December 1 of the following years and in the following amounts, at par, plus accrued interest to the date of mandatory redemption:

2034 Term Bonds

2031	\$740,000
2032	\$780,000
2033	\$820,000
2034 (maturity)	\$860,000

2039 Term Bonds

2035	\$ 905,000
2036	\$ 950,000
2037	\$1,000,000
2038	\$1,050,000
2039 (maturity)	\$1,105,000

3. The Bonds shall be issued in accordance with the terms set forth in the Bond Authorizing Resolution approved by the Township Board on January 12, 2010.

4. The Supervisor, Clerk and Treasurer of the Township are hereby severally authorized and directed to effectuate the sale, issuance and delivery of the Bonds pursuant to the terms accepted by the Township this day and as provided for in the Bond Authorizing Resolution.

5. All resolutions and parts of resolutions, insofar as the same may be in conflict herewith, are hereby rescinded.

A roll call vote on the foregoing resolution was taken, the results of which are as follows:

YES: Gross, Abrams, Long, Munro, Sovel, Kirkwood, Zoner

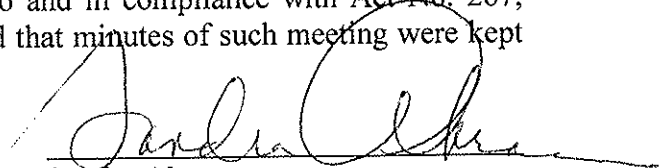
NO: None

ABSTAIN: None

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED.

CERTIFICATION

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Commerce, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting held on February 9, 2010, the original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.



Sandra Abrams
Township Clerk

Dated: February 16, 2010

EXHIBIT A

COPIES OF BIDS RECEIVED

BH01\1017880.5
ID\BVB - 040273/0034

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

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2009 Township Drive
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Phillip Adkison, Township Attorney stated the litigation against Aggressive Marine involves a number of violations including violations to the approved site plan. He stated an attempt with representatives of Aggressive Marine to resolve the violations was unsuccessful.

ITEM 3:2-9 CAPITAL IMPROVEMENT BONDS

A. Resolution Awarding Bonds

Tom Traciak, ACI Finance was present to discuss the bond sale results with the Board. He recommends Fifth Third Securities.

MOTION by Gross, supported by Abrams, to approve the Charter Township of Commerce Resolution Awarding Bonds (\$16,750.00 Capital Improvement Bonds Series 2010-A) to Fifth Third Securities, Resolution attached.

ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

ITEM 4:2-9 PUBLIC HEARINGS

**A. Williams International – Industrial Facilities Exemption Certificate
(Tabled 1-12-10)**

This will remain on the Table.

ITEM 5:2-9 BOARD APPOINTMENTS

A. Zoning Board of Appeals –Barbara Rosman: 3 Year Term

MOTION by Sovel, supported by Abrams, to approve the recommendation of Supervisor Thomas Zoner to re-appoint Barbara Rosman to the Zoning Board of Appeals for a three-year term expiring March 31, 2013.

MOTION CARRIED UNANIMOUSLY

ITEM 6:2-9 CONTRACT AWARDS AND AGREEMENT

A. Sleeth Road Force Main Replacement

Jay James, Giffels-Webster Engineers gave an overview of the contract.

MOTION by Kirkwood, supported by Gross, to accept the recommendation of Giffels-Webster Engineers to award the Sleeth Road Sanitary Force Main Replacement Contract to the low bidder Lawrence M. Clarke, Inc. at a cost of \$64,781.01.

MOTION CARRIED UNANIMOUSLY

**ITEM 7:2-9 DOWNTOWN DEVELOPMENT AUTHORITY BUDGET (TABLED
1-12-10)**

This will remain on the Table

ITEM 8:2-9 INTRODUCTIONS

None

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ROLL CALL VOTE

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

NAYS:

MOTION CARRIED UNANIMOUSLY

8:02 p.m. recess

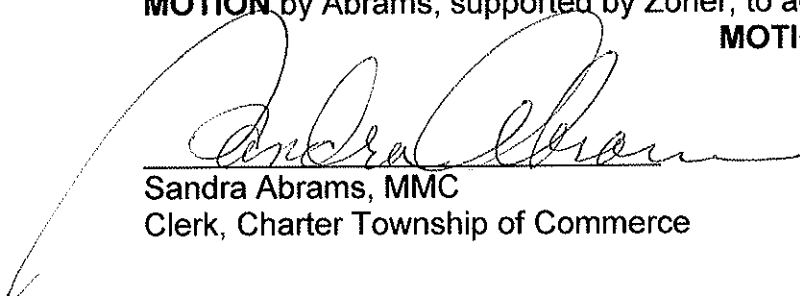
Entered into Closed Session at 8:10 p.m.
Retuned Closed Session at 8:50 p.m.

MOTION by Abrams supported by Kirkwood, to approve the Closed Session Minutes. **MOTION CARRIED UNANIMOUSLY**

ITEM 18:2-9 ADJOURNMENT

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

MOTION by Abrams, supported by Zoner, to adjourn at 8:50 p.m. **MOTION CARRIED UNANIMOUSLY**



Sandra Abrams
Sandra Abrams, MMC
Clerk, Charter Township of Commerce

**RESOLUTION OF THE TOWNSHIP BOARD
OF THE CHARTER TOWNSHIP OF COMMERCE,
TENTATIVELY DECLARING ITS INTENTION
TO ESTABLISH A SPECIAL ASSESSMENT DISTRICT
*SPECIAL PROJECTS NO. 30***

At the regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 9th day of February, 2010, in the Township Hall at 7:00 p.m.

PRESENT: Thomas Zoner, Sandra Abrams, Susan Gross, Daniel Munro, Robert Long, Rick Sovel, Debra Kirkwood

ABSENT: None

The following preamble and resolution were offered by Susan Gross and supported by Sandra Abrams.

WHEREAS, the Charter Township of Commerce, Oakland County, Michigan, has received a petition requesting the establishment of a special assessment district to finance capital and other miscellaneous charges related to connection to the public water and sewer systems, and;

WHEREAS, the Charter Township of Commerce has caused to be prepared plans showing the improvement, the location thereof and an estimate of the cost thereof, and;

WHEREAS, the Charter Township of Commerce is in receipt of such plans and estimates of costs, the same having been filed with the Township Clerk,

NOW, THEREFORE, BE IT RESOLVED THAT:

1. In accordance with Public Act 188 of 1954, as amended, the Township Board of the Charter Township of Commerce, Oakland County, Michigan, hereby tentatively declares its intention to finance capital and other miscellaneous charges related to connection to the public water and sewer systems to provide service to that portion of the Township described in attached Exhibit A. The Township Board tentatively designates the Special Assessment District against which the cost of the improvement is to be assessed as being that portion of the Charter Township of Commerce described in "Exhibit A" attached hereto and made a part hereof.
2. The Township Board of the Charter Township of Commerce, Oakland County, Michigan, will meet on the 9th day of March, 2010, at 7:00 p.m. in the Township Hall, located at 2009 Township Drive, Commerce Township, Michigan, 48390, to receive public comments

regarding the project, the petitions filed, and the creation of a Special Assessment District to pay costs associated with this improvement project.

3. The Township Board of the Charter Township of Commerce tentatively designates this proposed Special Assessment District as: ***Special Projects No. 30.***
4. In order to appeal the amount of any special assessment, affected owners or parties with an interest must protest the proposed assessment. This may be done by appearing in person at the hearing, having an agent appear at the hearing on behalf of an owner or party in interest or by filing a protest by the hearing date, by letter addressed to the Township Clerk at 2009 Township Drive, Commerce Township, Michigan, 48390. An owner or party having an interest in the real property affected by the special assessment may file a written appeal of the special assessment with the Michigan Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment is protested at the hearing held for the purpose of confirming the special assessment roll.

AYES: Thomas Zoner, Sandra Abrams, Susan Gross, Daniel Munro, Robert Long, Rick Sovel, Debra Kirkwood

NAYS: None

ABSENT: None

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I, the undersigned duly qualified Township Clerk of the Charter Township of Commerce, Oakland County, Michigan, do hereby certify the foregoing is a true and complete copy of the proceedings taken by the Township Board of the Charter Township of Commerce at a meeting held on the 9th day of February, 2010.


SANDRA ABRAMS, Clerk
Charter Township of Commerce

Dated: February 10, 2009

EXHIBIT A

Water

17-01-429-013

17-12-227-006

Sewer

17-01-128-005

17-01-178-012

17-01-277-010

17-06-402-020

17-07-127-007

17-07-401-013

17-10-351-002

* Passed out to Brd members
during Public Comments

Attach to Minutes

February 9, 2010

To the Board of Commerce Township

RE: On-going litigation between Commerce Township and Aggressive Marine

I understand Commerce Township is currently involved in a lawsuit with Aggressive Marine. If I am to understand correctly this dispute centers upon the ability of this business to store boats outside, subsequent to a zoning change enacted in 2005, under the direction of the DDA, precluding outside storage in DDA areas. The question here alleges this business operated from 2004 through 2009, without a certificate of occupancy and now as a result is not grandfathered to store boats outside. While there are other facets to this suit, the above represents the main thrust of the township's position as I understand it from the owner.

As you know, lake residents pay disproportionately higher taxes and are precluded from storing their boats or trailers on their property. So now the township pursues unnecessary litigation against Aggressive Marine who is the only boat storage yard in Commerce Township that has made an investment of some \$3,000,000, in property and a building and pays taxes in this township. According to the owner of this business this suit has been in progress for over 16 months, at a cost to him of over \$65,000. As a resident and taxpayer I would like to know exactly how much the township has spent pursuing this law suit.

While I am a customer and friends with the defendant, given the circumstances in this case, I think some calmer heads should be looking at this case to make sure the township is doing the right thing for both the township residents and for this business. I feel pursuit of this litigation is an expenditure the township can ill afford at this time nor is it justified or necessary, given the township has laid off employees and announced they cannot afford Sheriff patrols next year. Let's be honest here, if it is such a big deal now, how did the township fail to act for so long (6 years)? Answer is either incompetence or this lawsuit is dirty pool with ulterior motives yet to be discovered.

As I understand it, the township established and developed the DDA to promote the introduction of new business into the DDA area. Given the current economy this is going to be a more difficult task than anyone envisioned. So, the township is now pursuing litigation to force a business out of business, based on alleged faults of the township and the business. Doesn't this send the exact opposite message needed to promote this township at this time? Is the nature of this alleged violation hazardous, significant, or detrimental to the community? This taxpayer provides boat storage to township residents in a safe and orderly manner. I have dealt with this business since 2006 and have been more than happy with his business, its presence and the nature of his business. View this

in contrast to other similar businesses in the area. I have often heard neighbors and friends complain that they cannot get their boats out of storage because they cannot be found, deliveries and pick-ups are never as scheduled and maintenance is subpar. I know of many lakefront friends and neighbors who have switched to Aggressive Marine because they are competitively priced and provide prompt reliable service. I would like to know from this board if other marine storage facilities are properly operating and in compliance with all local and state laws, regulations and ordinances. Better yet I would like to know what enforcement action the township has taken against any of the other businesses that I observed to appear in violation during a drive on Saturday afternoon:

- Martin Road - storing boats outside and stacked to block emergency access to the building.
- Pioneer Road - storing boat on side of building
- Goldie Road - trucks and flatbeds stored on public street, storage on lot in rear that is not zoned for same.
- Off Pontiac Trail - boat storage in side lot of business advertised as "irrigation."

The reason I pose that question is to get to the heart of the matter regarding this litigation, which is that it appears to be ill conceived. How did we go straight to a lawsuit when the business has never been cited for any violations? In fact, I understand from the owner, that in 2006, a township official issued a formal township letter to the taxpayer's lending institution stating that the taxpayer was in full compliance of all township ordinances. Clearly not all officials in Commerce Township are on the same page. Nor are high ranking members of the DDA who have testified on behalf of the business and against the township. More importantly is the fact the township lost at mediation but has opted to continue.

A greater cause for concern emerging from the lawsuit is the allegation that testimony from a township buildings official contradicts a signed "verification" filed in this lawsuit. It is alleged that the township building official attested within this "verification" and swore under oath that he had personal and first-hand knowledge that all items in the "verification" were valid and true. The township building official appears to have contradicted his sworn "verification" in later testimony admitting he did not have first-hand knowledge of all the items attested to within the original complaint. If these facts are true, we now have a township official swearing under oath to a "verification" that at best he had only partial knowledge of the facts. I would encourage this board to review the specific facts of these allegations and take swift and appropriate action.

Given the circumstances of this case, the wisdom used in the filing of this suit, and the means employed during this suit, I have to ask if pursuing this litigation is in the best interests of the township residents. Many I have talked do not think so. The closing of any business should be far beyond the goals of the township unless the business is a hazard or danger to the community.

Lastly, let's ask the logical question - What does the township stand to gain by proceeding? The loss of tax revenue or worse the loss of a business. Clearly a better way forward should be sought. A path that is good for residents, the township and the business. **Litigation should be reserved for repeatedly non-compliant bad actors who have been given proper notice of their shortcomings. That is not the case here.** As such, I ask the board members to review this case to see if the current action by the township is wise and in the best interests of all stakeholders. Measure what we have to gain here against the loss of business within the township, the loss of tax revenue, the alienation of residents, and the protracted cost of continued litigation. I would hope the board sees the wisdom of seeking another means of settling this case without further litigation or expense.

Sincerely,



Vicki Yost
Commerce Resident

Item 14 A. Capital Charges for Twonship Park Property

	Water	Sewer
Hawks		
Sewer Lateral Charges	\$ -	\$ 4,896.00
Sewer Capital Charges	\$ -	\$ 2,500.00
	\$ -	\$ 7,396.00

Baseball		
Sewer Lateral Charges		\$ 4,896.00
Sewer Capital Charges		\$ 2,500.00
Water Lateral Charges	\$ 4,900.00	
Water Capital Charges	\$ 2,430.00	
	\$ 7,330.00	\$ 7,396.00

	Total	
Total from GF to W/S	\$ 7,330.00	\$ 14,792.00
		\$ 22,122.00

Motion to pay from the GF Fund Balance and amend the budget accordingly to pay to the Water fund \$7330.00 and the Sewer fund \$14792.00 for Capital and Lateral fees for buildings built on township land built by leagues at their expense and recommended by the Parks & Recreation and approved by the Township Board of Trustee's.

CHARTER TOWNSHIP OF COMMERCE

RESOLUTION AWARDING BONDS

At a regular meeting of the Township Board of the Charter Township of Commerce (the "Township"), Oakland County, Michigan, held at the Township Hall, on the 9th day of February, 2010, at 7:00 p.m., Eastern Standard Time, there were

Present: Zoner, Abrams, Gross, Kirkwood, Long, Munro, Sovel

Absent: None

The following preamble and resolutions were offered by Gross, and seconded by Abrams:

WHEREAS, proposals for the purchase of the Township's \$16,750,000 Capital Improvement Bonds (Limited Tax General Obligation), Series 2010-A (the "Bonds"), were opened at 3:30 p.m., Eastern Standard Time, on this date, as advertised in The Bond Buyer; and,

WHEREAS, proposals submitted on a timely basis, in proper form, were received at the Township Hall or at the Municipal Advisory Council of Michigan in Detroit from the institutions identified on Exhibit A, which contains the bid tabulations for each of such proposals (including details as to interest rates, premiums and discounts).

NOW, THEREFORE, IT IS RESOLVED THAT:

1. The proposal of Fifth Third Securities, Inc. to purchase the Bonds at par plus accrued interest to the date of delivery, less a discount of \$167,450.90, and bearing interest per annum as follows:

<u>Principal Maturity</u>	<u>Amount</u>	<u>Interest Rate</u>
2013	\$ 295,000	3.000%
2014	\$ 315,000	3.000%
2015	\$ 330,000	3.000%
2016	\$ 350,000	3.000%
2017	\$ 365,000	3.250%
2018	\$ 385,000	4.000%
2019	\$ 405,000	4.000%
2020	\$ 425,000	4.000%
2021	\$ 450,000	4.000%
2022	\$ 470,000	4.000%
2023	\$ 495,000	4.000%
2024	\$ 520,000	4.000%
2025	\$ 545,000	4.100%

2026	\$ 575,000	4.200%
2027	\$ 605,000	4.250%
2028	\$ 635,000	4.350%
2029	\$ 670,000	4.450%
2030	\$ 705,000	4.500%
2034*	\$3,200,000	4.625%
2039*	\$5,010,000	4.750%

*Term bond (see below)

being the bid which produces the lowest true interest cost to the Township (4.538517%), be and the same hereby is accepted, and all other proposals are hereby rejected.

2. The Bonds maturing in the years 2034 and 2039 shall be subject to annual mandatory redemption on December 1 of the following years and in the following amounts, at par, plus accrued interest to the date of mandatory redemption:

2034 Term Bonds

2031	\$740,000
2032	\$780,000
2033	\$820,000
2034 (maturity)	\$860,000

2039 Term Bonds

2035	\$ 905,000
2036	\$ 950,000
2037	\$1,000,000
2038	\$1,050,000
2039 (maturity)	\$1,105,000

3. The Bonds shall be issued in accordance with the terms set forth in the Bond Authorizing Resolution approved by the Township Board on January 12, 2010.

4. The Supervisor, Clerk and Treasurer of the Township are hereby severally authorized and directed to effectuate the sale, issuance and delivery of the Bonds pursuant to the terms accepted by the Township this day and as provided for in the Bond Authorizing Resolution.

5. All resolutions and parts of resolutions, insofar as the same may be in conflict herewith, are hereby rescinded.

A roll call vote on the foregoing resolution was taken, the results of which are as follows:

YES: Gross, Abrams, Long, Munro, Sovel, Kirkwood, Zoner

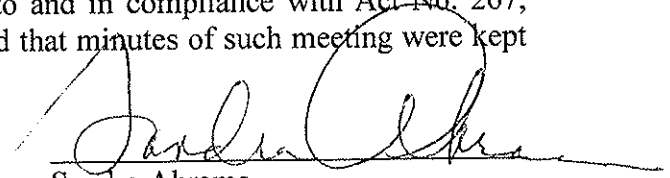
NO: None

ABSTAIN: None

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED.

CERTIFICATION

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Commerce, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting held on February 9, 2010, the original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

A handwritten signature in cursive script, appearing to read "Sandra Abrams", written over a horizontal line.

Sandra Abrams
Township Clerk

Dated: February 16, 2010

EXHIBIT A

COPIES OF BIDS RECEIVED

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