

**CHARTER TOWNSHIP OF COMMERCE  
TOWNSHIP BOARD OF TRUSTEES MEETING  
September 8, 2020  
2009 Township Drive  
Commerce Township, Michigan 48390**

Due to Governor Whitmer's Executive Order to "Stay Home, Stay Safe", this meeting was held via Zoom video conferencing technology.

**CALL TO ORDER:** Supervisor David Scott called the meeting to order at 7.00 p.m. and introduced the members of the Board.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Present: David E. Scott, Supervisor  
Melissa Creech, Clerk  
Molly Phillips, Treasurer  
Robert Berkheiser, Trustee  
Vanessa Magner, Trustee  
Rick Sovel, Trustee  
George Weber, Trustee

Also Present: Phillip Adkison, Township Attorney  
Hans Rentrop, Township Attorney  
Janet Bushey, Finance/Human Resources Director  
Dave Campbell, Planning Director  
Jim Dundas, Fire Chief  
Emily England, Senior/Parks and Recreation Director  
Jay James, P.E. Building Official  
Jason Mayer, Giffels Webster Engineers  
Mark Schoder, Maintenance Director

Ken Milburn, President of MERGE LIVE, Multimedia Group is the host for the meeting.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

**MOTION** by Magner, supported by Sovel, to approve the August 11, 2020 Special Township Board Meeting minutes, the August 18, 2020 Regular Township Board Meeting minutes and the August 25, 2020 Special Township Board Meeting minutes, as submitted.

**ROLL CALL VOTE**

**AYES:** Magner, Sovel, Creech, Weber, Phillips, Berkheiser, Scott  
**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 1:9-8 APPROVAL OF AGENDA**

**MOTION** by Sovel, supported by Creech, to approve the September 8, 2020 Regular Township Board of Trustees Meeting Agenda with the following addition: ITEM 5:9-8 CONTRACT AWARDS AND AGREEMENTS B. Huron Cemetery Maintenance Contract.

**ROLL CALL VOTE**

**AYES:** Sovel, Creech, Phillips, Magner, Berkheiser, Weber, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 2:9-8 PUBLIC COMMENTS**

Supervisor Scott asked Ken Milburn if there was anyone who wanted to speak under Public Comments.

Ken Milburn said there were no raised hands.

Supervisor Scott closed Public Comments.

**ITEM 3:9-8 PUBLIC HEARINGS**

**A. Township Fire & Rescue Protection Special Assessment District Resolution Confirming 2021 Special Assessment Roll**

Supervisor Scott opened the Public Hearing.

Ken Milburn said there were no raised hands.

Supervisor Scott closed the Public Hearing.

**MOTION** by Berkheiser, supported by Sovel, to approve the Township Fire & Rescue Protection Special Assessment District Resolution Confirming 2021 Special Assessment Roll at 2.4 mills, post and publish according to law.

**ROLL CALL VOTE**

**AYES:** Berkheiser, Sovel, Magner, Weber, Phillips, Creech, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**B. Township Police Protection Special Assessment District Resolution Confirming 2021 Special Assessment Roll**

Supervisor Scott opened the Public Hearing.

Ken Milburn said there were no raised hands.

Supervisor Scott closed the Public Hearing.

**ITEM 3:9-8 PUBLIC HEARINGS (Township Police Protection Special Assessment District Resolution Confirming 2021 Special Assessment Roll continued)**

**MOTION** by Weber, supported by Sovel, to approve the Township Police Protection Special Assessment District Resolution Confirming 2021 Special Assessment Roll at 2.622 mills, post and publish according to law.

**ROLL CALL VOTE**

**AYES:** Weber, Sovel, Phillips, Berkheiser, Creech, Magner, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 4:9-8 BOARD APPOINTMENTS**

**A. Brian Winkler – Reappointment to the Planning Commission for a 3-Year Term to Expire October 31, 2023.**

Brian Winkler was present.

**MOTION** by Scott, supported by Weber, to reappoint Brian Winkler to the Planning Commission for a 3-Year Term to Expire October 31, 2023.

Trustee Weber thanked Mr. Winkler for his 100% attendance and service to the Planning Commission.

**ROLL CALL VOTE**

**AYES:** Scott, Weber, Creech, Phillips, Berkheiser, Magner, Sovel

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**B. Chelsea Rebeck - Reappointment to the Planning Commission for a 3-Year Term to Expire October 31, 2023.**

**MOTION** by Scott, supported by Magner, to reappoint Chelsea Rebeck to the Planning Commission for a 3-Year Term to Expire October 31, 2023.

**ROLL CALL VOTE**

**AYES:** Scott, Magner, Sovel, Creech, Phillips, Weber, Berkheiser

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5:9-8 CONTRACT AWARDS AND AGREEMENTS**

**A. Horse Farm Concessionaire Agreement**

Emily England, Senior Director, explained the changes to the agreement.

Carrie Hancock was present and is in agreement with the Concession Agreement.

**ITEM 5:9-8 CONTRACT AWARDS AND AGREEMENTS (Horse Farm  
Concessionaire Agreement continued)**

**MOTION** by Weber, supported by Berkheiser, to approve the Concession Agreement between the Charter Township of Commerce and Carrie Hancock d/b/a Windmill Farm and authorize the appropriate signatures.

**ROLL CALL VOTE**

**AYES:** Weber, Berkheiser, Creech, Phillips, Sovel, Magner

**NAYS:** Scott

**MOTION CARRIED**

**B. Huron Cemetery Maintenance Agreement**

**MOTION** by Scott, supported by Magner, to approve the Huron Cemetery Maintenance Agreement commencing on January 1, 2021 and shall terminate on December 31, 2023.

**ROLL CALL VOTE**

**AYES:** Scott, Magner, Creech, Phillips, Berkheiser, Weber, Sovel

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 6:9-8 PURCHASES**

**A. Currency Discriminator**

Treasurer Phillips recommends the purchase of a currency discriminator with printer.

**MOTION** by Berkheiser, supported by Sovel, to approve the purchase of one (1) Semacon model S-2500 Pocket Currency Discriminator not to exceed \$2,600.

**ROLL CALL VOTE**

**AYES:** Berkheiser, Sovel, Magner, Weber, Phillips, Creech, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:9-8 OLD BUSINESS**

**A. Commerce Memorial Cemetery Improvements**

Dave Campbell, Planning Director, said the estimate to install 340 feet of 4' black steel fence panels and 40 6' arborvitae will be approximately \$8,650 assuming a 10% contingency.

**MOTION** by Scott, supported by Berkheiser, to approve installation of the fence and the arborvitae by the Township Maintenance staff at the Commerce Memorial Cemetery as soon as possible in an amount not to exceed \$10,000 with funds to come out of the cemetery fund and the sale proceeds from Benstein Grill.

**ITEM 7:9-8 OLD BUSINESS (Commerce Memorial Cemetery Improvements Motion continued)**

**ROLL CALL VOTE**

**AYES:** Scott, Berkheiser, Weber, Phillips, Creech, Magner, Sovel

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**B. Fire Engine 3**

Jim Dundas, Fire Chief, is requesting the purchase of one 2021 fire engine for Station 3.

Trustee Weber asked if there is a penalty if the loan is paid off early. Fire Chief Dundas said there would be no penalty.

**MOTION** by Berkheiser, supported by Sovel, to approve the purchase of one 2021 Rosenbauer fire engine from Emergency Vehicles Plus. Funds to come from the Fire Department Capital Outlay account. The purchase will be financed over 3 years through Community First National Bank with annual payments of \$234,680.67 beginning January 2022 until paid off. This is contingent upon contract approval by the Township Attorney.

**ROLL CALL VOTE**

**AYES:** Berkheiser, Sovel, Creech, Weber, Magner, Phillips, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:9-8 NEW BUSINESS**

**A. Sub-Committee Recommendation for Fire Station 3 General Contract Award**

Scott Barnes was present.

Kevin Donnelly, Plante Moran CRESA, stated the Project Team recommends awarding the contract to Dailey Company in the amount of \$4,698,000. He reviewed the bid tabulation with the Board.

**MOTION** by Weber, supported by Berkheiser, to award the Fire Station #3 General Contract to Dailey Company in an amount not to exceed \$4,698,000 upon completion of an executed contract.

**ROLL CALL VOTE**

**AYES:** Weber, Berkheiser, Phillips, Creech, Magner, Sovel, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:9-8 NEW BUSINESS (continued)**

**B. Fire Station No. 2 Joint Patching and Repairs**

Jason Mayer, Giffels Webster Engineers, is requesting approval to bid out a pavement repair project for Fire Station #2

**MOTION** by Berkheiser, supported by Magner, to authorize Giffels Webster to bid out a pavement repair project (joint patching and repairs) for Fire Station #2.

**ROLL CALL VOTE**

**AYES:** Berkheiser, Magner, Sovel, Weber, Phillips, Creech, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**C. Benstein Road Water Main Extension Project**

Hans Rentrop, Township Attorney, advised the Board they need to obtain a title company to perform a title review of properties from which easements are sought for the Benstein Road Water Main Extension project.

**MOTION** by Sovel, supported by Scott to authorize the Township Attorney to contract with a title company for the purpose of performing title searches for the Benstein Road Water Main Extension project in an amount not to exceed \$3,500.

**ROLL CALL VOTE**

**AYES:** Sovel, Scott, Creech, Weber, Phillips, Berkheiser, Magner

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**D. Clerk's Office Staffing**

Clerk Creech is requesting approval to hire one (1) Level I Clerical Administrator to replace a Clerical Administrator who is retiring the end of 2020. She would like to hire the replacement prior to her leaving to allow time for training and provide help with the General Election.

**MOTION** by Sovel, supported by Scott, to approve the Clerk's recommendation to hire one (1) Level I Clerical Administrator for the Clerk's Department to start employment the beginning of October 2020 and amend the budget accordingly.

**ROLL CALL VOTE**

**AYES:** Sovel, Scott, Creech, Phillips, Weber, Berkheiser, Magner

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7:9-8 NEW BUSINESS (continued)**

**E. Deferring Social Security Tax Per Presidential memorandum**

Janet Bushey, Finance/Human Resources Director, recommends the Board not participate in the Presidential Memorandum because this could create a hardship on employees having to repay the tax by April 1, 2021. Trustee Sovel said if an employee leaves employment during that time frame, the Township is still responsible to repay their portion of the tax by April 1, 2021.

**MOTION** by Berkheiser, supported by Magner, to reject the Presidential Memorandum on Deferring Payroll Tax Obligation in light of the ongoing COVID-19 Disaster.

**ROLL CALL VOTE**

**AYES:** Berkheiser, Magner, Creech, Phillips, Sovel, Weber, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**F. Resolution – Property Transfer Affidavit Penalty Waiver, Parcel No. 17-06-476-027**

Treasurer Phillips said this was an estate that went to probate. The original transfer that went to the attorney holding the property for sale once they were given authority by the court to sell it was dated in 2019 and they did not transfer the property to the new owners until 2020 but kept the date the same. She received a call from the title company saying they are in the process of preparing an affidavit saying the error on the property transfer should have been dated 2020 and it was filed timely with Commerce Township and Oakland County.

**MOTION** by Berkheiser, supported by Phillips, to approve the Resolution of The Township Board of The Charter Township of Commerce to waive a \$200.00 penalty for failure to timely file a property transfer affidavit for Parcel No 17-06-476-027, 5255 Buell Drive, Commerce Township, Michigan.

**ROLL CALL VOTE**

**AYES:** Berkheiser, Phillips, Creech, Weber, Magner, Sovel, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 8:9-8 ORDERS**

**MOTION** by Sovel, supported by Creech, to approve the Orders and Add Ons.

**ROLL CALL VOTE**

**AYES:** Sovel, Creech, Magner, Berkheiser, Phillips, Weber, , Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 9:9-8 OTHER MATTERS**

Supervisor Scott -

- The household hazardous waste day will be Saturday, September 19, 2020 from 9:00 a.m. to 1:00 p.m. at the Township Hall.
- The Township authorized the placement of gravel on all gravel roads.
- This Friday, PLM will be finished spraying Phragmites in the Township. They included additional areas that were not on the map.
- Residents are pleased with the Peninsular Park Paving Project.
- Trail cameras will be installed in some Township Parks in order to monitor vandalism.
- The Road Commission for Oakland County contracted with Hubbell, Roth & Clark to replace the culvert and overpass on Hayes Creek (Union Lake Road south of Wise Road). We are scheduled to have Union Lake Road paved from Cooley Lake Road south to Richardson Road.
- The Township received a check for several thousand dollars from the State of Michigan with the clause if it is not used for COVID-19 relief it must be repaid. We will return the check once we get reimbursed for COVID-19 expenses through the Cares Act.

Trustee Sovel –

- Asked for an update on the Outrun Hunger event. Supervisor Scott said they will have to abide by the Governor's order during the COVID-19 pandemic where you cannot have a gathering of more than 100 people outdoors. Trustee Berkheiser said Outrun Hunger has a Plan A & B in place in case the Governor's order is still in place.

Trustee Weber –

- Asked what the status is for employee performance reviews. Janet Bushey said employee handbook and performance review distribution is scheduled for October 2020, if approved by the Township Board.

Jay James, P.E. Building Official –

- Removed several signs that were placed within the Township over the weekend and will remove the rest this week.
- Building is still going on relatively strong.

Jim Dundas, Fire Chief –

- There was a large house fire started by a lightning strike on August 15, 2020. They received assistance from Walled Lake, White Lake, Milford, and West Bloomfield covered one of our fire stations for other runs.

Dave Campbell, Planning Director –

- Union Lake Road culvert replacement will be a 2020-2021 project.



**ITEM 9:9-8 OTHER MATTERS (continued)**

Mark Schoder, Maintenance Director –

- He will update the Board on the status of the cemetery trees and fence as soon as he receives more information.

Emily England, Senior/Parks and Recreation Director –

- Working on keeping seniors active through remote programs.
- There will be a flu shot clinic in the near future.
- Transportation - People's Express average 15 and 20 riders daily.

**ITEM 11:9-8 ADJOURNMENT**

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

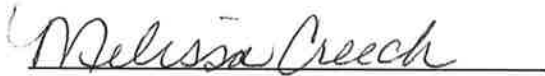
**MOTION** by Phillips supported by Berkheiser, to adjourn the meeting at 9:05 p.m.

**ROLL CALL VOTE**

**AYES:** Phillips, Berkheiser, Creech, Weber, Magner, Sovel, Scott

**NAYS:**

**MOTION CARRIED UNANIMOUSLY**



Melissa Creech, Clerk  
Charter Township of Commerce