

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

June 10, 2025

2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Supervisor Gray called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Present: Larry Gray, Supervisor
Melissa Creech, Clerk
Molly Phillips, Treasurer
Robert Berkheiser, Trustee
Robert Long, Trustee
Rick Sovel, Trustee
George Weber, Trustee

Also Present: Hans Rentrop, Township Attorney
Jason Mayer, Giffels Webster Engineers
Jim Dundas, Fire Chief
Emily England, Parks and Rec/Senior Director
Jay James, Building Official
Debbie Watson, DDA Director

APPROVAL OF MINUTES

MOTION by Sovel, supported by Creech, to approve the May 13, 2025 Regular Township Board Meeting, as submitted. **MOTION CARRIED UNANIMOUSLY**

ITEM 1:6-10 APPROVAL OF AGENDA

MOTION by Phillips, supported by Creech, to approve the June 10, 2025 agenda. **MOTION CARRIED UNANIMOUSLY**

ITEM 2:6-10 PUBLIC COMMENTS

Supervisor Gray opened Public Comments and advised the public that speaking time is limited to three (3) minutes. This is for public comments only and not for comments regarding the public hearings on the agenda.

Robert Smiley, 2745 Hillcrest, Wixom, MI, introduced himself as the Oakland County Commissioner for the 14th District. He is looking forward to representing the residents of Walled Lake and Wixom, and portions of Commerce Township and the City of Novi.

ITEM 2:6-10 PUBLIC COMMENTS (comments)

Anisa Rakaj, 3130 W Ridge Court, Commerce Township, MI, for her high school government project she has taken an interest in the deterioration of Welch Road from Oakley Park to 14 Mile Roads and the dangerous high speed limits. She offered her recommendations on repairing the roadways. Trustee Berkheiser advised her to contact Oakland County and the Road Commission for Oakland County because they have jurisdiction over these roads.

Supervisor Gray closed Public Comments.

ITEM 3:6-10 BOARD APPOINTMENTS

A. Mickey McCanham – Appointment to the Planning Commission for a 3-Year Term Ending June 30, 2028

Mickey McCanham was present.

MOTION by Long, supported by Weber, to approve the Appointment of Mickey McCanham to the Planning Commission for a 3-Year Term Ending June 30, 2028

MOTION CARRIED UNANIMOUSLY

ITEM 4:6-10 CONTRACT AWARDS AND AGREEMENTS

A. Richardson Road Design Cost Participation Agreement

Supervisor Gray explained the project and said the total estimated project cost is \$510,000.

The cost participation breakdown for the Tri-Party Program is as follows:

Community - \$170,000

County - \$170,000

Board - \$170,000

MOTION by Sovel, supported by Berkheiser, to approve the Cost Participation Agreement, Preliminary Engineering, Richardson Road, Martin Road to Union Lake Road, Charter Township of Commerce Board Project No. 58211. Commerce Township's contribution shall be \$170,000 to come from the Road Fund

MOTION CARRIED UNANIMOUSLY

ITEM 5:6-10 CONSENT AGENDA

A. Class C Liquor License Transfer of Stock – Wilson's Pub, Inc.

B. Fireworks Permit – Edgewood Country Club

C. Fireworks Permit – Lake Sherwood

D. Fireworks Permit – Long Lake

E. Fireworks Permit – North Commerce Lake

MOTION by Weber, supported by Creech, to approve the Resolution of The Township Board of The Charter Township of Commerce Approving Consent Agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 6:6-10 OLD BUSINESS

A. Island Club Sanitary Sewer

Supervisor Gray addressed a letter dated May 25, 2025 that the Township received from Terry Harshfield, President Island Club Homeowners Association, regarding clarification and concerns regarding the Island Club sewer system.

Hans Rentrop, Township Attorney, said what happened was when the developer for Phase III started constructing houses, additional pressure came upon the sanitary sewer system. The creation and installation of a sewer pump station was anticipated to be part of the Township sanitary sewer system. An inspection was done on the sanitary sewer system. The sanitary sewer system was scoped around 2022/2023 and that is when the Township discovered the condition of the system. The Township issued building permits for the initial construction of Phase III. There would be no certificates of occupancy issued until the sanitary sewer system was deemed to be operational. There was a waiver and release signed by all members of the HOA expressly stating they knew there were problems with the system and repairs would be done within 5 years from when the waivers were signed. The 5-year period was picked to allow construction of Phase III to move forward. It remains my opinion that the Township should exercise their right to establish a SAD.

Trustee Berkheiser stated the President of the HOA asked for additional time to rescope the sewer system so they could see for themselves the extent of repairs that needed to be done before a SAD is established. At that time, Terry Harshfield, President, Island Club Homeowners Association, said the sewer system remained operational with ongoing maintenance. They wanted to monitor inspect, and maintain the system, and request a SAD when repairs became necessary. Trustee Berkheiser said the Township Board asked multiple times when this would be done and received no response.

Jay James, Building Official, said the HOA did contact Jason Mayer, Giffels Webster Engineers, after the meeting two months ago, and Jason gave them all the information on the videos that we received from the Water Resources Commission (WRC). I do believe the HOA had their independent contractor review those videos. Jay was not advised as to what their contractor's findings were.

Terry Harshfield, President, Island Club Homeowners Association, said they did hire an independent contractor and did a CCTV inspection on the sewer system. The findings were like the findings of the 2019 CCTV inspection. He said WRC never maintained the system after the inspection. We were not stalling the SAD from happening, we just did not want to repair something that was not needed. The Township failed to disclose the inspection results from 2019 to Island Club residents. It appears that the greater liability for the Township lies not in potential sewer line failure, but in permitting home construction and occupancy while knowingly withholding critical information about infrastructure deficiencies. He wants to know why the Township was not transparent regarding the 2019 sewer line analysis. He said if they knew what the findings were from the 2019 CCTV inspection, they would have repaired the system 3-5 years ago.

ITEM 6:6-10 OLD BUSINESS (Island Club Sanitary Sewer continued)

Trustee Berkheiser said this information never came to the Board.

Jay James, Building Official, said the WRC was responsible for maintenance of the sewer system at Island Club. However, their contract to maintain that was not the same as it was with the rest of the Township. It was not a proactive contract; it was a reactive contract. If there was a problem out on site, the WRC would be called and come out and rectify the situation. They were not on a regular cleaning or inspection schedule with the WRC. The existing septic system was not big enough for Phase III and that is why it sat vacant for so many years. When the developer came in to propose Phase III, he agreed to put in a pump station to eliminate the community septic system and allow all the residents to be tied into it. Before it was turned over to a public system, it was to be videotaped. It did come to his attention later, that there were other significant issues with the sewer system. He understands the HOA's frustration and they are upset that the new residents were allowed to connect, although all those owners signed a waiver form knowing they were connecting to a sewer system that was not functioning optimally. They were made aware of that. If the new homes were not even built, the sewer system would still be in the same situation.

Trustee Sovel asked if seepage could flow into the lake and if drinking water could be contaminated? Jason Mayer, Giffels Webster, said he is not a geotechnical engineer but feels it is too far away to go into the lake and the wells are too deep to be compromised.

Trustee Weber asked if this were to happen today, what would we do different? Jason Mayer, Giffels Webster, said as soon as they received information about this from WRC in 2023, they had residents fill out a form and he came up with plans for repair of the system.

Trustee Berkheiser asked what has changed from 2019 to today with the system.

Terry Harshfield said the system remains in the same shape since 2019 but the cost went up significantly because they did not receive the 2019 CCTV findings from anyone.

Trustee Weber said what he heard from meetings in the past, was that the residents wanted the Township removed from establishing a SAD for repairs and the HOA would handle it going forward. The reason for this was because the HOA did not believe the sags in the sewer system were significant enough to warrant immediate attention. That is what was relayed to us, by you, because the HOA had other priorities they wanted to address first. What I am hearing from the HOA today, I am not willing to have the rest of Commerce Township residents get dragged into some kind of litigation or a liability issue if this is not taken care of by Island Club. It sounds like it is much worse than what we originally heard a couple of months ago and needs dire repair. I do not see how the Board could do anything but establish a SAD and to make it happen expeditiously.

Trustee Sovel agrees with Trustee Weber and recommends a 15-year SAD.

ITEM 6:6-10 OLD BUSINESS (Island Club Sanitary Sewer)

Total cost of the SAD is \$819,247.81.

Township Board of Trustees meetings regarding Island Club Sanitary Sewer Repairs and Improvement:

- January 9, 2024 – Motion was approved for the Intention Resolution for Island Club Sanitary Sewer Repairs & Improvement SAD.
- December 10, 2024 – Public Hearing for Establishment Resolution.
- December 10, 2024 - Motion was approved to Table Establishment Resolution, as requested by the President of the HOA so they can decide if they want to continue with the SAD or not.
- January 14, 2025 – Establishment Resolution remained on the Table.
- February 11, 2025 – Motion was approved to remove Establishment Resolution.
- February 11, 2025 – Motion was approved for Island Club residents to present a viable plan to the Township Board of Trustees no later than April 8, 2025 or the Township can choose to move forward on the SAD or sever ties for the Sanitary Sewer Repair & Improvement.
- April 8, 2025 - Mr. Levitt, Island Club Board member, wants to have a CCTV study done by them and meet again with the Township Board in 60 or 90 days. The Board agreed to allow 60 days for Island Club residents to submit findings from their CCTV study to the Township Board of Trustees at their meeting on June 10, 2025. Mr. Levitt said if the new CCTV report shows the sewer lines need repair now, they will act on it.
- June 10, 2025 – Motion was approved to move forward with the Island Club Sanitary Sewer Repairs & Improvement SAD.

MOTION by Weber, supported by Berkheiser, to move forward with an Island Club Sanitary Sewer SAD for a 15-year term, waive the 5% administrative fee and charge the lowest interest rate as allowed by MCL - Act 188 of 1954.

MOTION CARRIED UNANIMOUSLY

If the Island Club HOA would like a SAD for road repair, they will circulate and submit the petition to Commerce Township.

ITEM 7:6-10 NEW BUSINESS

A. Resolution – Inter-Lakes Pride Charitable Gaming Application

Jennifer O'Dowd, Vice President of Inter-Lakes Pride, was present.

MOTION by Gray, supported by Berkheiser, to approve the Local Governing Body Resolution for Charitable Gaming Licenses to Inter-Lakes Pride.

MOTION CARRIED UNANIMOUSLY

ITEM 7:6-10 NEW BUSINESS (continued)

B. Application to Use Township Hall – Volunteer Optometric Services to Humanity

Debbie Watson, DDA Director, said they received a request from Edwin Gay, Acuity Eye Care, to hold a 5K race on the DDA/Commerce Towne Place trails on August 16, 2025 from 7:00 am – 11:00 am. The DDA recommends approval.

MOTION by Berkheiser, supported by Phillips, to approve Edwin Gay, Acuity Eye Care, to hold a 5K race on the Commerce Towne Place pathways on August 16, 2025 from 7:00 am – 11:00 am.

MOTION CARRIED UNANIMOUSLY

C. Horse Farm Roof Repair

Emily England, Parks and Rec/Senior Director, presented two proposals to the Board for the repair of the Silo Ranch roof.

She reached out to RCI to look at the roof. They were not comfortable with just coating the roof; they feel it needs to be replaced at \$13 per sq ft. (24,000 sq ft.).

Trustee Long recommends replacing the roof with a steel roof that will be more cost effective.

No action taken

D. Park Use Policy

Emily England, Parks and Rec/Senior Director, reviewed the Park Use Policy with the Board. Trustee Sovel suggested changing the wording for 8. Pets a. and b. to make it easier to understand.

MOTION by Berkheiser, supported by Creech, to approve the Charter Township of Commerce Parks and Recreation Park Use Policy, as amended.

MOTION CARRIED UNANIMOUSLY

E. WOW! Metro Act ROW Permit Application

Hans Rentrop, Township Attorney, recommends the Township Board approve this application having already previously approved a Cable Franchise Agreement for WOW! Fiber in November 2023. Additionally, there is a proposed Resolution consistent with our recommendations.

MOTION by Berkheiser, supported by Phillips, to approve the Resolution of The Township Board of The Charter Township of Commerce to Approve Wow! Fiber Metro Act Right of Way Permit Application.

MOTION CARRIED UNANIMOUSLY

F. Banking RFI Results and Recommendations

Treasurer Phillips said the approved RFI for banking services were sent to twelve local financial institutions.

ITEM 7:6-10 NEW BUSINESS (Banking RFI Results and Recommendations continued)

She advised the Board that the RFI work group reviewed all nine responses along with the Robinson Capital Rating for each of the banks or credit unions.

Six of the respondents were eliminated based on their Robinson Rating, their fee structure, the proximity to the Township for convenience of making deposits, and/or their suggestions on alternative products and costs for the Township.

Additional questions were sent to the remaining three (PNC, Huntington and Fifth Third) and had a deeper discussion on these proposals. Our findings lead us to recommend Huntington Bank to take over handling our everyday banking needs. Their cost structure appears to afford Commerce an estimated annual savings between \$30K and \$48K in fees while at the same time offering a competitive earned rate.

MOTION by Gray, supported by Creech, to approve the use of Huntington Bank for the Township's everyday banking needs as recommended by Treasurer Phillips.

MOTION CARRIED UNANIMOUSLY

ITEM 8:6-10 ORDERS AND ADD ONS

MOTION by Sovel, supported by Berkheiser, to approve the orders and the add ons.

MOTION CARRIED UNANIMOUSLY

ITEM 9:6-10 OTHER MATTERS

Trustee Long –

- Recommends annual Fireworks Permit requests be handled in house administratively by the Clerk instead of by Board approval.

Trustee Sovel –

- Bi-Centennial event - Asked for an update on what we will provide at the Township's booth.

Treasurer Phillips –

- Since AccuMed was bought out by EMS/MC, the Deputy Treasurer is having a terrible time with ambulance and rescue billings/collections. She would like to go out for RFP for ambulance services.

MOTION by Berkheiser, supported by Phillips, to pursue an RFP for ambulance billing services.

MOTION CARRIED UNANIMOUSLY

- Oakland County is changing the credit card processing platform. They will be charging 3.75% for credit card usage. We will be changing to Point & Pay.

ITEM 9:6-10 OTHER MATTERS (continued)

Trustee Berkheiser –

- There will be some Boy Scouts helping at the Bi-Centennial event.
- Asked for an update on the Water Sewer Building Contract. Supervisor Gray said he received one response to review.
- Smart Bus shelter at Walmart – do we have any say on this? Supervisor Gray said we do not.
- Does the Brownfield Tax Incentive at Five and Main change anything on what the Township collects? Treasurer Phillips said there is a meeting tomorrow to discuss numbers. The Brownfield wants to collect school taxes.

Trustee Weber –

- An elderly resident told him they thought they were being terrorized at Wise Woods from dirt bikes and ATVs riders.

Supervisor Gray-

- For the possible Lawsuit from the 2019 building trip and fall on the sidewalk, MMRMA has suggested Carlito Young as our attorney to handle the case.
- Our new Lt. from the Oakland County Sheriff will be Lt. Eric Hix. We did not get to interview any candidates.
- We agreed to 50 cents on the dollar for the June 2024 invoice to GFL, in place of going to court.
- Lakes Area Youth Assistance will be asking for monetary donation. Treasurer Phillips advised him we should not be doing this because it is illegal.

ITEM 10:6-10 ADJOURNMENT

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

MOTION by Weber, supported by Phillips, to adjourn at 9:26 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, Clerk
Charter Township of Commerce