

GENOA CHARTER TOWNSHIP BOARD

Regular Meeting

June 16th, 2008

6:30 P.M.

AGENDA

Call to Order

Pledge of Allegiance

Call to the Public

Approval of Consent Agenda:

1. Payment of Bills

2. Request to approve minutes: 6-2-08

3. Request for approval of a fire works display on Big Crooked Lake, July 5, 2008 with a rain day – Sunday July 6, 2008 by Pepper Bergin with the display being launched from the neighboring property owned by Rick Ficsher (3751 Highcrest).

Approval of Regular Agenda:

4. Consider approval of a request that the Michigan Department of Transportation install, “Genoa Charter Township” signs along Interstate 96 at our eastern and western jurisdictional boundaries.

5. Discussion regarding future use of Township Hall property.

Correspondence

Member Discussion

Adjournment

CHECK REGISTERS FOR TOWNSHIP BOARD MEETING

DATE: June 16, 2008

TOWNSHIP GENERAL EXPENSES; Thru June 16, 2008	\$121,244.50
June 13 2008 Bi-weekly Payroll	\$33,413.32
OPERATING EXPENSES; Thru June 16, 2008	\$24,789.19
TOTAL:	<u>\$ 179,447.01</u>

<u>Check Number</u>	<u>Vendor No</u>	<u>Vendor Name</u>	<u>Check Date</u>	<u>Check Amount</u>
24090	DTE LAKE	DTE Energy	06/02/2008	178.43
24091	Miller C	Miller,Canf,Paddock,&Stone,PLC	06/02/2008	13,347.71
24092	RUFFC	Connie Ruff	06/03/2008	300.00
24093	Administ	Total Administrative Services	06/13/2008	357.67
24094	Equitabl	Equivest Unit Annuity Lock Box	06/13/2008	620.00
24095	ACE HARD	Ace Hardware	06/16/2008	16.68
24096	BLUE CRO	Blue Cross & Blue Shield Of Mi	06/16/2008	19,680.91
24097	BRANVAN	BRANDON VANMARTER	06/16/2008	328.17
24098	BUS IMAG	Business Imaging Group	06/16/2008	46.12
24099	CONSUMER	Consumers Energy	06/16/2008	136.96
24100	COOPERST	Cooper's Turf Management LLC	06/16/2008	118.50
24101	DOUG COU	DOUG COUP	06/16/2008	1,861.00
24102	Dyk	Dykema Gossett, PLLC	06/16/2008	102.00
24103	GANNETT	Gannett Michigan Newspapers	06/16/2008	520.00
24104	GORDONFO	Gordon's Food Services	06/16/2008	41.37
24105	ICCM A	ICMA	06/16/2008	730.00
24106	LANGWORT	Langworthy Strader Leblanc	06/16/2008	2,143.45
24107	LC DRAIN	Livingston County Drain Comm	06/16/2008	1,878.54
24108	lca	Liv.Cty.Assessors Assoc.	06/16/2008	20.00
24109	LivCTrea	Livingston County Treasurer	06/16/2008	40.66
24110	MANIACI	LAURIE MANIACI	06/16/2008	80.00
24111	PEBBCRE	Pebble Creek Services	06/16/2008	385.00
24112	Perfect	Perfect Maintenance Cleaning	06/16/2008	923.00
24113	SPRINGBR	Springbrook Software	06/16/2008	7,964.33
24114	WASTE MA	Waste Management	06/16/2008	69,424.00

Report Total: 121,244.50

**First National
Direct Deposit
JUNE 13, 2008
Bi-Weekly Payroll**

<u>Employee Name</u>	<u>Debit Amount</u>	<u>Credit Amount</u>
Adam Van Tassell		\$1,003.67
Amy Ruthig		\$940.06
Angela Williams		\$555.09
Barb Kries		\$961.57
Carol Hanus		\$1,176.68
Cinthia Howard		\$290.61
Dave Estrada		\$964.33
Deborah Rojewski		\$2,170.87
Genoa Township	\$23,215.08	
Greg Tatara		\$2,199.48
Judith Smith		\$1,121.24
Karen J. Saari		\$902.85
Kelly VanMarter		\$1,899.34
Laura Mroczka		\$1,219.09
Mary Krencicki		\$670.94
Michael Archinal		\$2,386.41
Renee Gray		\$900.85
Robin Hunt		\$1,223.69
Susan Sitner		\$600.86
Tammy Lindberg		\$919.57
Tesha Humphriss		\$1,107.88
Total Deposit		\$23,215.08

EFT #: _____
INTERNET: _____
CHECK BOOK: _____

Accounts Payable
Computer Check Register



User: sue

Printed: 06/09/2008 - 11:37

Bank Account: 101CH

Check	Vendor No	Vendor Name	Date	Invoice No	Amount
24093	Administ	Total Administrative Services	06/13/2008		357.67
			Check 24093 Total:		357.67
9531	AETNA LI	Aetna Life Insurance & Annuity	06/13/2008		25.00
			Check 9531 Total:		25.00
9532	EFT-FED	EFT- Federal Payroll Tax	06/13/2008		3,635.33 1,978.06 1,978.06 462.61 462.61
			Check 9532 Total:		8,516.67
9533	EFT-PENS	EFT- Payroll Pens Ln Pyts	06/13/2008		678.90
			Check 9533 Total:		678.90
24094	Equitabl	Equivest Unit Annuity Lock Box	06/13/2008		620.00
			Check 24094 Total:		620.00
9534	FIRST NA	First National Bank	06/13/2008		250.00 2,325.00 20,640.08

Check 9534 Total:

23,215.08

Report Total:

33,413.32

3:31 PM
06/10/08

#592 OAK POINTE WATER/SEWER FUND

Payment Of Bills

May 29 through June 10, 2008

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
06/09/2008	1044	AT & T	05/22 to 06/21/08	-29.95
06/09/2008	1045	BRIGHTON ANALYTICAL LLC	lab costs	-664.00
06/09/2008	1046	DTE ENERGY	Electrical Expense 04/28-06/02/08	-7,668.33
06/09/2008	1047	FONSON, INC.	INV#7704	-611.50
06/09/2008	1048	GRUNDY ACE OF HOWELL	Inv#62422	-28.44
06/09/2008	1049	NORTHWEST PIPE AND SUPPLY, INC.	INV#96126/95965	-441.77
06/09/2008	1050	PEBBLE CREEK SERVICES	Lawn Maintenance 5/6-5/23/08	-840.00
06/09/2008	1051	UIS PROGRAMMABLE SERVICES	INV#530332527	-556.50
06/09/2008	1052	USA Bluebook	Inv#599715	-164.18
06/09/2008	1053	WASTE MANAGEMENT	Inv#359154613897	-221.11
06/09/2008	1054	WATER MASTERS LLC	INV#1486	-368.00
06/09/2008	1055	GEO TRANS, INC	INV#0000350276	-1,333.94
06/09/2008	1056	VELOCITY PUMPS	Inv#161359	-910.00
06/09/2008	1057	COOPERS TURF MANAGEMENT, LLC	Inv#6821	-1,064.85
TOTAL				-14,902.57

3:32 PM
06/10/08

#592 OAK POINTE -CAPITAL WATER/SEWER FUND

Payment Of Bills

May 29 through June 10, 2008

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Split</u>	<u>Amount</u>
No Checks Issued						

3:29 PM
06/10/08

#593 LAKE EDGEWOOD W/S FUND

Payment Of Bills

May 29 through June 10, 2008

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
06/09/2008	1314	Brighton Analytical L.L.C.	lab costs INV#0508-58043	-67.00
06/09/2008	1315	Consumers Energy	Gas Service-04/30-05/29/08	-828.21
06/09/2008	1316	GEOTRANS, INC.	billing period 04/26-5/23/08	-1,564.63
06/09/2008	1317	MICHIGAN CAT	INV#SD040345297	-1,127.01
06/09/2008	1318	DTE Energy	Electric Service 04/29/-5/30/08	-3,650.59
06/09/2008	1319	DOUG COUP ESTATE SERVICES, INC.	Lawn Maintenance	-380.00
TOTAL				-7,617.44

3:25 PM
06/10/08

#503 DPW UTILITY FUND
Payment Of Bills
May 29 through June 10, 2008

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
06/09/2008	1044	American Water Works Association		-124.00
06/09/2008	1045	D&G Equipment, Inc.		-171.83
06/09/2008	1046	McDonald Modular Solutions		-375.00
06/09/2008	1047	Master Media		-23.55
06/09/2008	1048	MBPA		-174.00
06/09/2008	1049	SWANN'S CLOTHING STORE	Inv#1117	-117.25
06/09/2008	1050	HOWELL TRUE VALUE HARDWARE	INV#032197	-42.35
06/09/2008	1051	USABlueBook	INV#601421 & 601252	-1,218.33
06/09/2008	1052	CAVALIER	ACCT#2119355	-22.87
			TOTAL	-2,269.18

3:22 PM
06/10/08

#504 DPW RESERVE FUND
Payment Of Bills
May 29 through June 10, 2008

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Split</u>	<u>Amount</u>
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No Checks Issued

3:28 PM
06/10/08

#595 PINE CREEK W/S FUND
Payment Of Bills
May 29 through June 10, 2008

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Split</u>	<u>Amount</u>
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No Checks Issued

GENOA CHARTER TOWNSHIP BOARD

**Regular Hearing
June 2nd, 2008
6:30 P.M.**

MINUTES

Supervisor McCririe called the regular meeting of the Genoa Charter Township Board to order at 6:30 p.m. The Pledge of Allegiance was then said. The following persons were present constituting a quorum for the transaction of business: Gary McCririe, Paulette Skolarus, Robin Hunt, Todd Smith, Jean Ledford, and Steve Wildman. Also present were Township Manager Michael Archinal and three persons in the audience.

A Call to the Public was made with no response.

Approval of Consent Agenda:

Moved by Smith, supported by Ledford, to approve all items listed under the consent agenda and move approval of the 05/19/08 minutes to the regular agenda for discussion. The motion carried unanimously.

1. Payment of Bills

2. Request for approval of a proposal from Network Services Group for the purchase of a new computer, 5 monitors and new server.

Approval of Regular Agenda:

Moved by Hunt, supported by Ledford, to approve for action all items listed under the regular agenda with the addition of the minutes and discussion of the Waste Management contract. The motion carried unanimously.

3. Request to approve minutes: 5-19-08

Moved by Hunt, supported by Smith to approve the 05/19/08 meeting minutes with the deletion of "and competitively bid the collection agreement" from item 5. The amended minutes were voted and approved unanimously.

4. Request for approval of amended Articles of Incorporation for the Howell Parks and Recreation Authority.

Moved by Smith, supported by Wildman, to approve the first amendment to the Articles of Incorporation for the Howell Area Parks and Recreation Authority. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Wildman, Skolarus and McCririe. Nays – None. Absent – Mortensen.

5. Request for approval of a *Request for Proposals* for Township wide refuse collection.

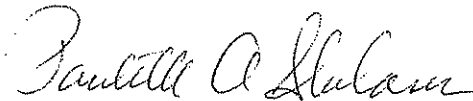
Moved by Smith, supported by Skolarus, to withdraw the request. The motion carried unanimously.

6. Continued discussion of the refuse contract that was tabled at the previous meeting.

Moved by Smith, supported by Hunt, to refer to the administrative committee to again meet with Waste Management to discuss a three-year plan with Waste Management (no increase the first year, 2% the second year, and 2% the third year). The township, at their discretion, may extend the contract for two additional years. This contract is further contingent on the stabilization of gas prices – allowing an increase for the price of gas as it changes. Further, the contract for refuse collection will be again considered at the next regular meeting of the board scheduled for June 16, 2008. The motion carried unanimously.

A public hearing has been scheduled for Thursday, June 26, 2008 at 7:30 p.m. to consider a request from Lake Chemung Outdoor Resorts-Mariana operating permit.

The regular meeting of the Genoa Charter Township Board was adjourned at 7:50 p.m.



Paulette A. Skolarus
Genoa Township Clerk

(Press/argus 06/06/08)

Amy, Please place this application on the consent agenda for the next regular meeting.

Request for approval of a fire works display on Big Crooked Lake, July 5, 2008 with a rain day - Sunday July 6, 2008 by Pepper Bergin with the display being launched from the neighboring property owned by Rick Fisher.

June 9, 2008

To: Geneva Township Board

Please find enclosed the insurance statement and the license to possess and transfer fireworks). I use the same company as the Price family on Wildwood Dr on Lake Chemung. I am requesting permission to have fireworks launched at 3751 Hightcrest Dr, Brighton on Saturday July 5th, 2008.

The show is almost identical to that of the other shows displayed on Lake Chemung using the same pyrotechnic company. I want to thank you in advance for your consideration in this matter. I will be at the meeting on June 16th, 2008 if there are any further questions

Sincerely,
Casper Bergis

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Federal Explosives Licensing Center
244 Needy Road
Martinsburg, West Virginia 25401-9431

901090: CRR/FLS
5400
File Number: 4MI00901

05/31/2007

SUBJECT: RESPONSIBLE PERSON LETTER OF CLEARANCE for:

JEROME GOWAN 01/05/1959 381626527

OWNER 650 W MARR RD
(517)545-2329 HOWELL MI 48855

and is ONLY valid under the following Federal explosives license/permit:

4-MI-093-60-8G-00901

GOWAN, JEROME
650 W MARR RD
HOWELL MI 48855-0072

Dear JEROME GOWAN:

You have been approved as a responsible person under the above-listed Federal explosive license or permit. You may lawfully direct the management or policies of the business or operations as they pertain to explosives. You may also lawfully transport, ship, receive or possess explosive materials incident to your duties as a responsible person. This clearance is only valid under the license or permit referenced above.

Sincerely,

Christopher R. Reeves

Christopher R. Reeves
Chief, Federal Explosives Licensing Center (FELC)

FELC Customer Service. If you believe that information on your "Letter of Clearance" is incorrect, please return a COPY of the letter to the Chief, Federal Explosives Licensing Center (FELC), with a statement showing the nature of the error. The Chief, FELC, shall correct the error, and return an amended letter to you.

Mall: ATF
Chief, FELC
Attn.: LOC Correction
244 Needy Road
Martinsburg, West Virginia 25401-9431

Fax: 1-304-260-1141
Chief, FELC
Attn.: LOC Correction

Call toll-free: 1-877-283-3352

WWW.ATF.GOV

JEROME GOWAN

Certificate of Insurance

301943

Issue Date: 06/02/2008

PRODUCER
 Combined Specialties International, Inc.
 8362 Tamarack Village
 Suite 119
 Woodbury Minnesota 55125

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR LATER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURER A: Underwriters, Lloyds of London
INSURER B:
INSURER C:
INSURER D:

INSURED
 Phoenix/Patriot Fireworks Co.
 P.O. Box 254
 Brighton Michigan 48116

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE NAMED INSURED ABOVE FOR THE PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES INCLUDING, BUT NOT LIMITED TO THOSE FOLLOWING: LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. ADDITIONAL CONDITIONS AND EXCLUSIONS: 1) THE INSURANCE EVIDENCED BY THIS CERTIFICATE IS LIABILITY INSURANCE ONLY, IT IS NOT A BOND OR ANY FORM OF SURETY AGAINST WHICH SOMEONE OTHER AN "INSURED" MAY ASSERT A CLAIM OR BRING ANY ACTION. SUBJECT TO POLICY TERMS, CONDITIONS, DEFINITIONS AND EXCLUSIONS THE INSURANCE ONLY INDEMNIFIES AN INSURED AGAINST CERTAIN LEGAL LIABILITY. 2) THE INSURANCE DOES NOT COVER CLAIMS FOR BODILY INJURY OR PROPERTY DAMAGE OF THE NAMED INSURED'S SHOOTER(S) ASSISTANT(S) OR ANY OTHER PERSON(S) INCLUDING ANY VOLUNTEER(S) PARTICIPATING IN ANY WAY IN ANY DISPLAY OR SPECIAL EFFECT PERFORMED OR EXECUTED BY THE NAMED INSURED. 3) COVERAGE DOES NOT APPLY TO CLAIMS FOR BODILY INJURY OR PROPERTY DAMAGE ARISING OUT OF THE INSURED'S FAILURE TO FOLLOW NFPA OR OTHER APPLICABLE REQUIREMENTS, LAWS OR RECOMMENDATIONS, INCLUDING THOSE RELATING TO POST DISPLAY OR SPECIAL EFFECT SEARCHES OR CLEAN UP.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY CLAIMS MADE	1193862677/007	November 08, 2007	November 08, 2008	EACH ACCIDENT	\$1,000,000
					MEDICAL EXP (any one person)	\$5,000
					FIRE LEGAL LIABILITY	\$50,000
					GENERAL AGGREGATE	\$2,000,000
					PRODUCTS-COMP/DPS AGG	\$1,000,000
	AUTOMOBILE LIABILITY ANY AUTO ANY OWNED AUTO SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ex accident)	\$
					BODILY INJURY (Per person)	\$
					BODILY INJURY (Per accident)	\$
					PROPERTY DAMAGE (Per person)	\$
					EXCESS LIABILITY FOLLOWING FORM	\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU- OTHER TORY LIMITS	\$
					E.L. EACH ACCIDENT	\$
					E.L. DISEASE-EA EMPLOYEH	\$
					E.L. DISEASE-POLICY LIMIT	\$
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
 Pepper Bergin as property owner, Township of Genoa and Livingston County are Additional Insured as respects the July 5, 2008 (RD: July 6, 2008) Fireworks Display at 3751 Highcrest, Brighton, MI

CERTIFICATE HOLDER
 Pepper Bergin
 3751 Highcrest
 Brighton, MI 48116

CANCELLATION
 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES

Richard J. Anderson

AUTHORIZED REPRESENTATIVE

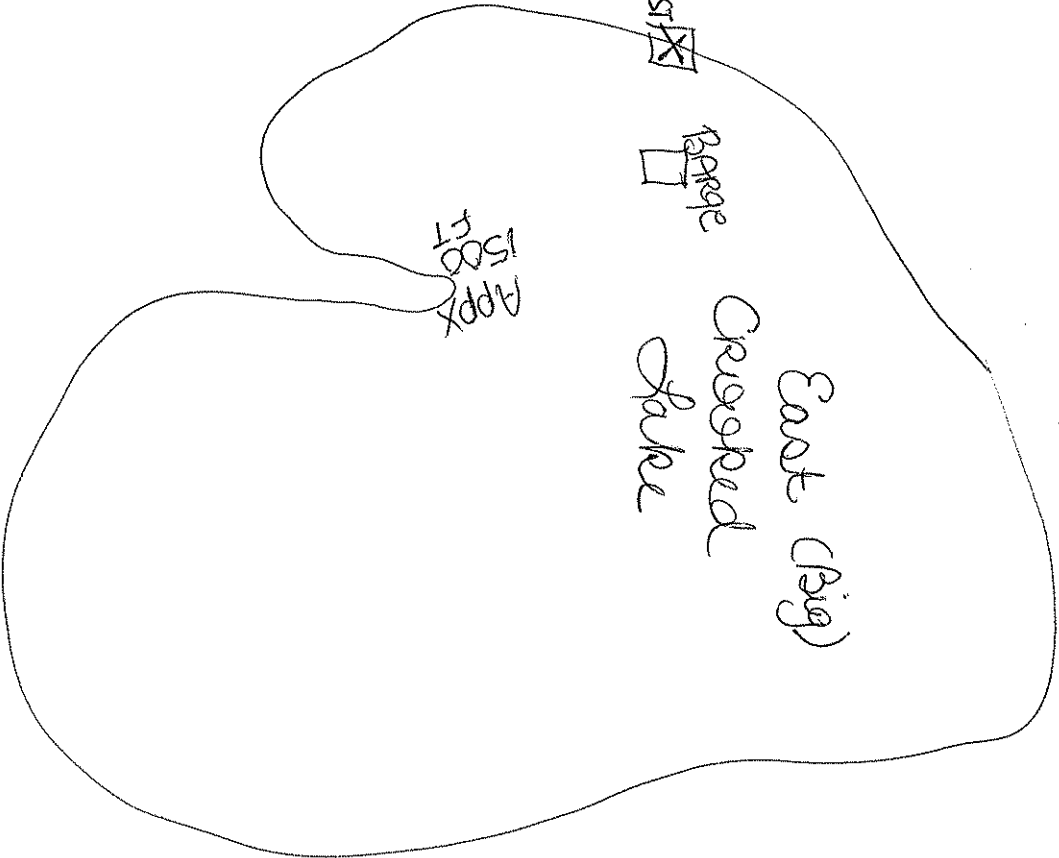
Silver
Noble

3751
Highcrest

1999

East (Big)
Crosby
Lake

APPX
1500
FT



PERMIT FOR FIREWORKS DISPLAY

This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only.

PUBLIC DISPLAY

AGRICULTURAL PEST CONTROL

Issued to	Age (18 or over)
Address	
Name of Organization, Group, Firm or Corporation	
Address	
Number and Types of Fireworks	

Exact Location of Display

City, Village, Township	Date	Time
-------------------------	------	------

Bond or Insurance Filed? <input type="checkbox"/> YES <input type="checkbox"/> NO	Amount
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Issued by action of the council commission board of the
 city village township of _____
(Name of City, village, township)

on the _____ day of _____ 19 _____

(Signature and Title of Council/Commission/Board Representative)

AUTHORITY: Act 358, P.A. of 1968 COMPLIANCE: Mandatory PENALTY: Misdemeanor
--

MEMORANDUM

TO: Township Board

FROM: Michael Archinal *Wanda*

DATE: 6/13/08

RE: Township Boundary Signs

In an ongoing effort to more firmly establish the identity of Genoa Charter Township I have been in contact with MDOT to coordinate the installation of signs on I-96 identifying our jurisdictional boundaries. Attached you will find a copy of an email from Wendy Ramirez stating the need for an official request for such signs. Please consider the following action:

Moved by _____, supported by _____, to request that the Michigan Department of Transportation install, "Genoa Charter Township" signs along Interstate 96 at our eastern and western jurisdictional boundaries.

Mike

From: Wendy Ramirez [RamirezW@michigan.gov]
Sent: Wednesday, June 11, 2008 2:01 PM
To: Mike
Cc: Pascal Bui; Jack Frost; Marie Wilson
Subject: Township Boundary Sign

Good afternoon Mike,

Upon official request from the township, MDOT will install township limit signs on freeways. The boundary sign will have a white legend on a green background. The legend may only contain the official name of the governmental unit.

Please send the official request to my attention.

Thanks,

Wendy Ramirez
Traffic & Safety Engineer
MDOT- Brighton TSC
Office - (810)- 225-2626
Fax - (810) - 227-7929
Email - RamirezW@michigan.gov

>>> Marie Wilson 6/11/2008 11:42AM >>>
Mike:

These types of requests would be submitted to our office. Either Wendy Ramirez or Pascal Bui would handle this type of signing. I assume you are thinking of the smaller signs that indicate township line?

Marie Wilson
Permit Agent
MDOT - Brighton Transportation Service Center
10321 E. Grand River - Suite 500
Brighton, Michigan 48116

810-225-2620
810-227-7503 FAX

Look to your past
Look at your present
To know what must be done in the future

In God We Trust

>>> "Mike" <Mike@genoa.org> 6/11/2008 11:22AM >>>
Good Morning,

6/11/2008

The Township is interested in having a Genoa Charter Township jurisdictional boundary sign installed on I-96. I tried contacting Lansing but have been a little frustrated. If you could direct me to the appropriate person regarding this matter I would appreciate it.

Thanks in advance.

Mike Archinal, Manager
Genoa Charter Township
810.227.5225
mike@genoa.org

Senator Valde Garcia's Assistance Request Form

To get assistance, please enter your name and address information, select the type of assistance you are looking for, then type your concerns in the message area below.

** Indicates a required field*

	Prefix	*First	Middle	* Last	Suffix(Jr., Sr., etc.)
Name	Mr.	Michael	C.	Archinal	
Title	Township Manager				
Organization	Genoa Charter Township				
* Address	2911 Dorr Road				
* City	Brighton	* State	Michigan	* Zip	48116 -
Phone	810.227.5225				
* e-mail	mike@genoa.org				
Assistance Type	MDOT-Dept of Transportation				
Message	<p>Good Morning,</p> <p>We are interested in placing "Genoa Charter Township" jurisdictional boundary signs in the I-96 right-of-way. I have not been able to find the appropriate person within MDOT to handle such a request. If your office could direct me to the party responsible for such requests I would appreciate it. Thank you in advance.</p>				

End of form

To Board 6/16



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

June 3, 2008

Paulette A. Skolarus, Clerk
Genoa Charter Township
2911 Dorr Road
Brighton, Michigan 48116-9436

Dear Ms. Skolarus:

SUBJECT: Local Watercraft Control – Clark Lake
Genoa Charter Township, Livingston County

We have received a certified copy of a resolution passed by your Charter Township Board requesting that this department conduct an investigation and public hearing to determine the need for special local controls on the above-named body of water.

We will initiate an investigation and inquiries into the need for special rules for the use of vessels, water skis, water sleds, aquaplanes, surfboards, or other similar contrivances on Clark Lake as directed by mcl 324.80110, being section 80110 of part 801, Marine Safety, Public Act 451 of 1994, as amended.

You will be notified of any subsequent actions taken as a result of these investigations and inquiries.

If I may be of further assistance, at this time, please contact me by e-mail at turnera1@michigan.gov or by telephone at the number below.

Sincerely,

Acting Lt. Andrew Turner
Law Enforcement Division
Recreation, Safety and Education Section
517- 373-7109

cc: Lt. Jane Gordon, DNR
Sgt. Jon Wood, DNR
Sgt. Al Bavarskas, DNR

NATURAL RESOURCES COMMISSION

Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • Darnell Earley • John Madigan • J. R. Richardson • Frank Wheatlake

STEVENS T. MASON BUILDING • P.O. BOX 30028 • LANSING, MICHIGAN 48909-7528
www.michigan.gov/dnr • (517) 373-2329

Great Lakes, Great Times, Great Outdoors!

324.80110 Special rules for vessels, water skis, water sleds, aquaplanes, surfboards, or other similar contrivances; investigations and inquiries; preparation of local ordinance; notice of public hearing; presentation of views by interested persons.

Sec. 80110. The department may initiate investigations and inquiries into the need for special rules for the use of vessels, water skis, water sleds, aquaplanes, surfboards, or other similar contrivances on any of the waters of this state. If controls for such activities are considered necessary, or changes or amendments to or repeal of an existing local ordinance is required, a local ordinance shall be prepared. Notice of a public hearing shall be made in a newspaper of general circulation in the area in which the local ordinance is to be imposed, amended, or repealed, not less than 10 calendar days before the hearing. Interested persons shall be afforded an opportunity to present their views on the proposed local ordinance either orally or in writing.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

324.80111 Proposed local ordinance; submission to governing body; approval or disapproval; enactment.

Sec. 80111. A local ordinance proposed pursuant to section 80110 shall be submitted to the governing body of the political subdivision in which the controlled waters lie. Within 60 calendar days, the governing body shall inform the department that it approves or disapproves of the proposed local ordinance. If the required information is not received within the time specified, the department shall consider the proposed local ordinance disapproved by the governing body. If the governing body disapproves the proposed local ordinance, or if the 60-day period has elapsed without a reply having been received from the governing body, no further action shall be taken. If the governing body approves the proposed local ordinance, the local ordinance shall be enacted identical in all respects to the local ordinance proposed by the department.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

324.80112 Special local ordinances; request for assistance; form; receipt by department.

Sec. 80112. Local political subdivisions that believe that special local ordinances of the type authorized by this part are needed on waters subject to their jurisdiction shall inform the department and request assistance. All such requests shall be in the form of an official resolution approved by a majority of the governing body of the concerned political subdivision. Upon receipt of such resolutions, the department shall proceed as required by sections 80110 and 80111.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

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May 30, 2008

Thomas Guastello
Center Management
300 Park Street, Suite 410
Birmingham, MI 48009

Richard A. Heikkinen, Esq.
Heikkinen Law Firm, P.C.
110 N. Michigan Ave.
Howell, MI 48843

Re: Easement for Access to vacant parcel (ID #11-14-200-16) west of and adjacent to Sherwin Williams parcel on West Grand River, Genoa Township

Gentlemen:

This firm has been retained by John Beauchamp and John Nagel, the owners of the property located west of and adjacent to the Sherwin Williams store on West Grand River Avenue in Genoa Township. Please direct all future correspondence regarding this matter to my attention.

As each of you are aware, my clients have attempted to secure the necessary approvals for the development of a multiple building office/commercial complex on their property, including the necessary approvals for access to Grand River Avenue. In 2005, the Livingston County Road Commission denied the application for a driveway permit to provide direct access from the property to Grand River due to the inability to meet the minimum site distance requirements of the Road Commission regulations.

Through further investigation of this issue, my clients learned that, due to the site distance issue and the requirements of the Grand River Avenue Corridor Plan and Township Zoning Ordinance then in effect, the approval of the necessary access to the subject property was specifically addressed by Genoa Township in connection with the approval of the adjacent Sherwin Williams store in 1995. Specifically, as a condition to the approval of the site plan for the development of the Sherwin Williams parcel, the Township Planning Commission mandated the creation of an easement over such parcel in a form that was acceptable to the Township Attorney, Mr. Heikkinen, that would serve as the Grand River access to my clients' property. At the August 22, 1995 meeting, the Planning Commission further conditioned approval of the site plan on the Township Board's approval of the impact assessment required by the zoning ordinance. At its regular meeting on September 5, 1995, the Township Board approved the impact assessment for the Sherwin Williams parcel on the sole specific condition that an easement to provide access to my

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clients' property be approved by Mr. Heikkinen and "properly executed" prior to the issuance of a land use permit. I have enclosed a copy of the August 22, 1995 Planning Commission minutes and September 5, 1995 Township Board minutes for your review.

Although approval of the development and use of the Sherwin Williams parcel was expressly conditioned upon the granting and execution of an easement over such parcel to provide Grand River access for my clients' property, a written easement to that effect was apparently never prepared and recorded. It is my understanding that Mr. Beauchamp met with Mr. Guastello, the current owner of the property, to discuss the implementation of the easement to provide Grand River access to my clients' property. However, Mr. Guastello apparently refuses to recognize the validity of the easement on the basis that the easement is not referenced on the documents that he received when he purchased the property from the original owner of the Sherwin Williams parcel, and he otherwise had no knowledge of the easement at the time of the purchase.

The law in Michigan is clear that conditions attached to the approval of a site plan by the Township are part of the legal record of the approval process and shall remain unchanged without the mutual consent of the Township and property owner. See MCL 125.286d(3) and 125.286e(3) (in effect at the time of site plan approval for the Sherwin William parcel, now found in MCL 125.3504(5) and 125.3501(2), respectively). Therefore, the fact that an express easement was not recorded and Mr. Guastello may not have had actual knowledge of the easement when he purchased the Sherwin Williams parcel is irrelevant to the enforceability of the easement over such parcel to provide Grand River access to my clients' property.

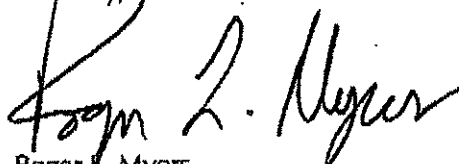
As a result of the clarity of Michigan law on this issue and the refusal by Mr. Guastello to recognize the validity of the easement, it is my understanding that the Township had instructed Mr. Heikkinen to pursue legal action to enforce the easement. However, nothing has been done to that end, and proposals for alternative access through the manufactured housing development to the west have been rejected by the Road Commission and/or the owner of such development. Thus, for the past two years, my clients have been unable to develop or use their property in any manner due exclusively to the inaction of the Township and the unjustified refusal by Mr. Guastello to recognize the validity of the easement.

On behalf of my clients, I demand that each of you counter-sign this letter agreeing to execute all documents, including an easement over the Sherwin Williams parcel to be recorded with the Livingston County Register of Deeds, to secure the necessary approvals for access from my clients' property to Grand River. In the event that I do not receive a written acknowledgment to such agreement from both of you within seven days, I have been instructed to commence litigation

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against both parties seeking such relief and the recovery of all monetary losses incurred by my clients as a result of the total deprivation of any use of their property.

Sincerely,



Roger L. Myers

We hereby acknowledge and agree to execute all documents, including an easement over the Sherwin Williams parcel located at 6838 West Grand River, to secure all necessary approvals for access to Grand River Avenue for the adjacent vacant parcel.

Richard A. Heikkinen
Attorney for Genoa Township

Thomas Guastello, Authorized Agent for the Owner
of Parcel ID 11-14-200-15, commonly known as the
Sherwin Williams Parcel at 6838 West Grand River

RLM/jk

Enclosures

cc: Mr. John Beauchamp (w/encs)
G:\Client Folders\C1194-Nage\W001\guastello.ltr.wpd

GENOA TOWNSHIP
PLANNING COMMISSION
AUGUST 22, 1995

(Regular meeting adjourned from August 14, 1995)

MINUTES

The Planning Commission meeting was called to order by Chairman Colley at 7:00 p.m. at the Genoa Township Hall. The following board members were present constituting a quorum for the transaction of business: Bill Colley, Kathy Robertson, Don Pobuda and Gary McCririe. Also present were: Jim Stornant, Township Zoning Administrator; Jeff Purdy, Township Planner; and twelve persons in the audience.

Moved by McCririe, supported by Pobuda, to approve the Agenda as presented. The motion carried.

A CALL TO THE PUBLIC was made with no response.

1. OPEN PUBLIC HEARING #1...REVIEW OF A SITE PLAN AND CORRESPONDING ENVIRONMENTAL IMPACT ASSESSMENT FOR A PROPOSED RETAIL PAINT STORE, LOCATED ALONG THE SOUTH SIDE OF GRAND RIVER, EAST OF GRAND BEACH DRIVE ON APPROXIMATELY 1.7 ACRES. SECTION 14: WXZ DEVELOPMENT. Jim Wymer, Wayne Perry.

Wayne Perry, Desine Engineering - This request is for a 5000 square foot retail paint center, with 2800 square feet of sales area. We have revised the site plan to address drainage and parking concerns as requested by the township planners. Existing drainage is to the south and east of the property. The parking lot is curbed and bituminous, with appropriate green belts as requested. Three canopy trees have been added in the front yard and are included on the new site plan. The warehousing part of this facility is primarily for storage to supplement sales. Access language to properties on both sides of the development have been added to the plan.

Colley - Is there a berm to the west. Perry - It is a landscaped area and can be bermed if the commission requests.

Pobuda - Does the traffic pattern allow movement of materials.
Wyman - This is not a high traffic use. We usually have no more than six customers at a time. Most of our business is contractor business. The warehousing facilities are for our contractor clients.

Robertson - Why is there more parking spaces than needed? Perry - The depth of the lot was determined by the need for truck turn around traffic. Since that area was paved, we added parking spaces.

GENOA TOWNSHIP - Planning Commission - August 22, 1995

Colley - Please explain your operation. Wyman - Materials are unloaded with a lift. Only color tinting of paint is done on site.

Colley - Please address McNamee's letter. Perry - We did change the drainage pattern on the site. Surface draining of the curbed parking lot is calculated at a 1/2% grade. Their 1% request appears to be appropriate when there are not curb and gutters. Colley - The 1% does appear to be appropriate. Settling may occur, and the length of the parking facility is extensive. Is there some physical reason why you cannot meet the 1% requirement. Perry - This would require a significant amount of fall with a parking lot 150 feet in length. We are restricted to sheet flow. Colley - What about ditching. Perry - Yes, we intend to ditch down the center, as requested by the township engineer.

McCririe - The use of your warehouse is incidental to your store and the intent is not to lease that space to other users. Wyman - That is correct. Colley - This is not warehousing when the facility is for storage.

Stornant - What rate does the water come off the lot. Perry - It comes to the southeast of the property and is at the agricultural rate. That discharge is cut in half and directed to the back of the property. It will dissipate into the top soil as the current run off to this site does. There is a difference in elevation of 7 1/2 feet as the property sits today. The water will end up in the county drain.

McCririe - How much water will stand in the detention basin. Perry - There should be no water in there except after a storm. Can this plan be designed without a fence. Perry - We can design this property so that a fence is not necessary.

Colley - The standing water after a storm is two feet. Perry - That is correct.

A call to the public was made with the following response: Joe Fader - The water flow will go to a ditch (Bonine's Pond). That is fine with us. What is the general plan for that entire parcel? It appears that the land is locked behind this development. Purdy - We know that the zoning is NSD.

Colley - The warehouse should be called a storage area in an effort to clarify that issue. Are floor drains included in the storage area? Perry - We do not intend to have any drains in this facility.

Colley - This application should also be conditional upon the township engineer's approval.

Wyman - There is very little development near this site. We understand that we may be setting a precedent here. This

GENOA TOWNSHIP - Planning Commission - August 22, 1995

building will have a gabled roof with asphalt shingles. The colors will be earthtone or muted (usually light gray with the metal trim being a darker shade of gray). We have added three different types of masonry to add character to the building. The blocks will be scored and unpainted, with some split faced block lines to give the building a horizontal feature. The sign will be right above the door (with a blue background and white letters with a red Sherman Williams logo). Lighting on the overhang will light the signage. A pylon sign does meet the requirements of the ordinance. It is 42 square feet with a height of 15'.

Colley - Does the building signage meet the ordinance. Purdy - The signage must meet the 10% restriction of the ordinance. The plan calls for 80 square foot signage on the building.

Pobuda - What is the potential for fire? Wyman - The quantities of paint are within the standards of the law. We do provide the local fire department with that information.

* PLANNING COMMISSION DISPOSITION OF WXZ DEVELOPMENTS PETITION.

A. RECOMMENDATION REGARDING ENVIRONMENTAL IMPACT ASSESSMENT.

Moved by McCririe, supported by to recommend approval of the impact assessment to the township board. The motion carried.

B. DISPOSITION OF SITE PLAN.

Moved by McCririe, supported by Pobuda, to approve the site plan with the following conditions:

- three canopy trees will be provided in the front yard meeting the township zoning ordinance
- warehouse area on the site plan be re-labeled storage and is determined to be acceptable and incidental to this use
- that the proposed cedar enclosure for the dumpster is acceptable
- that the detention basin is to be redesigned as to not require fencing and approved by the Livingston County Drain Commissioner
- that the petitioner provide easement language satisfactory to the township attorney for the service drive on the east and west sides of the building
- the building shall contain no floor drains
- all signage shall conform to the township zoning ordinance
- review and approval by the township's engineers
- finally, contingent upon the township board's approval of the impact assessment

The motion carried unanimously.

2. OPEN PUBLIC HEARING # 2...REVIEW OF A SITE PLAN AND CORRESPONDING ENVIRONMENTAL IMPACT ASSESSMENT FOR A PROPOSED

GENOA TOWNSHIP BOARD - Regular Meeting - September 5, 1995

Moved by McCririe, supported by Skolarus, to approve the final plat for Pine Creek Ridge Phase III as presented. The motion carried unanimously.

5. Consideration of a request to rezone from AG (Agricultural) to PRF (Public Recreational Facilities), for a proposed "Bread of Life Tabernacle" Church, located on Herbst Road, between Dorr and Hubert Road, in Section 23: Ray Lanning, Desine, Inc.

Moved by Kull, supported by Hunt, to approve the impact assessment as presented. The motion carried unanimously.

Moved by McCririe, supported by Kull, to approve the rezoning as requested. The motion carried unanimously.

6. Request for approval of the impact assessment corresponding to site plan for a proposed retail paint store, located along the south side of Grand River, east of Grand Beach Drive on approximately 1.7 acres, in Section 14: WXZ Development.

Moved by Skolarus, supported by Hunt, to approve the impact assessment as presented. Further, that prior to the issuance of a land use permit, the easement language for the service drive will be approved by Township Attorney Heikkinen and properly executed. The motion carried unanimously.

7. Request for approval of the impact assessment corresponding to site plan for a proposed medical and general office building, located on the north side of Grand River, west of Grand Oaks Drive, on approximately 3.5 acres, in Section 05: David Reader, Boss Engineering.

Moved by McCririe, supported by Kull, to approve the impact assessment as presented. The motion carried unanimously.

8. Request for approval of the impact assessment corresponding to site plan for a proposed Cellular One phone tower & facility, located at 2025 Euler Road, Brighton, in Section 13: Detroit Cellular Telephone.

Moved by McCririe, supported by Hunt, to approve the impact assessment as presented. The motion carried as follows: Ayes - McCririe, Hunt, Murray and Kull. Nays - Skolarus. Absent - Brown.

9. Consideration of a replacement for Trustee David Johnson.

Moved by Skolarus, supported by Hunt, to approve the Supervisor's recommendation of Mr. Craig Jarvis to fill the recently vacated position of David Johnson for a term to expire on November 20, 1996. The motion carried unanimously.

Memorandum

TO: Michael C. Archinal, Township Manager
FROM: Adam VanTassell, Code Enforcement Officer
DATE: June 13, 2008
RE: Accessory temporary outdoor sales and events

Township Board
We may have someone
at Call to the Public
who wants to sell
fireworks from a
temporary stand. This
is F.V.I.
Mike A.

Per your request, here is the relevant section regarding accessory temporary outdoor sales:

Section 7.02.02 (v) states that accessory temporary outdoor sales and events may be permitted only in connection with, incidental to and on the same lot with a permitted use and shall comply with the following conditions:

- (1) Merchandise sold shall be that of the regular retail use in the principal building of the site.
- (2) Proof of tenant occupancy in the principle building shall be provided to the satisfaction of the Zoning Administrator.
- (3) The event or sale shall be permitted a maximum of twice during a calendar year for a maximum of fourteen (14) days total.
- (4) The Zoning Administrator shall approve a land use permit including a sketch plan illustrating structures, sufficient off-street parking, utilities, lighting and signs prior to initiation of such activity. (as amended 12/31/06)

Please let me know if you require anything futher

cc: correspondence