

**GENOA CHARTER TOWNSHIP  
REGULAR MEETING  
JULY 6<sup>TH</sup>, 2009  
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: 6-15-09
3. Request for approval of an amendment of \$60,000 to budget #270 (Parks and Recreation) increasing expenditures to Grand River Sidewalks and reducing the ending balance by the same amount.
4. Request for approval to authorize Fonson, Inc. to repair Brighton Road Bike path for the amount of \$3610.00.
5. Request for approval of contracts with Scodeller Construction and Action Asphalt for crack sealing of Township roads.
6. Request for approval for Supervisor's attendance at the Supervisors' Professional Development Retreat for July 13 and July 14<sup>th</sup>, 2009.

**Approval of Regular Agenda:**

7. Public Hearing on the Special Assessment Roll for the Fendt Drive Road Improvement Project (2009).
  - A. Call to the Property Owners
  - B. Call to the Public
8. Request for approval of Resolution #5 (Confirming Special Assessment Roll) for the Fendt Drive Road Improvement Project (2009).
9. Request for approval of Resolution No. 1 (to Proceed with the Project and Direct Preparation of the Plans and Cost Estimates) for Pine Creek Subdivision Road Improvement Project (2009).
10. Request for approval of Resolution No. 2 (to Approve the Project, Scheduling the First Hearing and Directing the Issuance of Statutory Notices) for the Pine Creek Subdivision Road Improvement Project (2009).
11. Request for approval of an amendment to the Township Zoning Ordinance regulating fences in water-front yards as discussed by the Planning Commission.
12. Request for approval to reimburse residents of 1330 Elmhurst for attorney fees at a cost of \$1500.00.
13. Request for approval of Resolution to allow a raffle in Hamburg Township for the Livingston Land Conservancy as requested by Sara Thomas.
14. Consider motion to enter into closed session to discuss pending litigation.

Correspondence  
Member Discussion  
Adjournment

CHECK REGISTERS FOR TOWNSHIP BOARD MEETING

DATE: July 6, 2009

TOWNSHIP GENERAL EXPENSES: Thru July 6, 2009	\$214,653.74
June 26, 2009 Bi-Weekly Payroll	\$34,041.94
June 30, 2009 Quarterly Payroll	\$6,688.56
July 1, 2009 Monthly Payroll	\$12,496.32
OPERATING EXPENSES: Thru July 6, 2009	\$82,645.85
TOTAL:	\$350,526.41

<u>Check Number</u>	<u>Vendor No</u>	<u>Vendor Name</u>	<u>Check Date</u>	<u>Check Amount</u>
25359	LINDBYRC	BRYCE LINDBERG	06/16/2009	90.00
25360	BULLET	Bullet Handyman Services	06/16/2009	535.12
25361	RUFFC	Connie Ruff	06/16/2009	382.50
25362	ATT& IL	AT&T	06/18/2009	711.12
25363	FED EXPR	Federal Express Corp	06/18/2009	50.35
25364	FONSON	Fonson, Inc.	06/18/2009	181,142.10
25365	Unum	Unum Provident	06/18/2009	1,144.78
25366	VERIZONW	Verizon Wireless	06/18/2009	175.06
25367	SKOLAR P	Paulette Skolarus	06/18/2009	196.56
25368	Administ	Total Administrative Services	06/26/2009	446.12
25369	Equitabl	Equivest Unit Annuity Lock Box	06/26/2009	220.00
25370	Administ	Total Administrative Services	07/01/2009	125.00
25372	Equitabl	Equivest Unit Annuity Lock Box	06/30/2009	20.00
25373	ADT	ADT Security Services, Inc.	07/06/2009	366.32
25374	AMERAWAR	American Awards & Engraving	07/06/2009	9.00
25375	APEX SOF	APEX SOFTWARE	07/06/2009	645.00
25376	ARCHINAL	Michael Archinal	07/06/2009	515.43
25377	AT&TLONG	AT&T Long Distance	07/06/2009	51.70
25378	BRANVAN	BRANDON VANMARTER	07/06/2009	260.00
25379	BUS IMAG	Business Imaging Group	07/06/2009	93.37
25380	COMCAST	COMCAST	07/06/2009	94.04
25381	COXKRIS	Kristi Cox	07/06/2009	150.00
25382	EHIM	EHIM, INC	07/06/2009	1,937.94
25383	FIRST IM	First Impression Print & Marketing	07/06/2009	1,911.88
25384	HEIKKINE	Heikkinen Law Firm	07/06/2009	2,000.00
25385	HUMPHT	Tesha Humphriss	07/06/2009	500.00
25386	HUNTR	ROBIN HUNT	07/06/2009	41.36
25387	HWL PARK	Howell Parks And Recreation	07/06/2009	15,481.25
25388	MASTER M	Master Media Supply	07/06/2009	340.26
25389	MI CHLOR	Michigan Chloride Sales LLC	07/06/2009	1,820.00
25390	Net serv	Network Services Group, L.L.C.	07/06/2009	2,088.00
25391	SHELL	Shell	07/06/2009	528.67
25392	SKOLAR P	Paulette Skolarus	07/06/2009	38.50
25393	VanMarte	Kelly VanMarter	07/06/2009	21.19
25394	VERIZONW	Verizon Wireless	07/06/2009	417.40
25395	WALMART	Walmart Community	07/06/2009	53.72
25396	Waste M	Waste Management of Michigan	07/06/2009	50.00

**Report Total: 214,653.74**

Accounts Payable  
Computer Check Register



User: diane  
Printed: 06/19/2009 - 13:24  
Bank Account: 101CH

Check	Vendor No	Vendor Name	Date	Invoice No	Amount
25368	Administ	Total Administrative Services	06/26/2009		446.12
			Check 25368 Total:		446.12
9739	AETNA LI	Aetna Life Insurance & Annuity	06/26/2009		25.00
			Check 9739 Total:		25.00
9740	EFT-FED	EFT- Federal Payroll Tax	06/26/2009		3,481.38 2,011.77 2,011.77 470.52 470.52
			Check 9740 Total:		8,445.96
9741	EFT-PENS	EFT- Payroll Pens Ln Pyts	06/26/2009		725.12
			Check 9741 Total:		725.12
25369	Equitabl	Equivest Unit Annuity Lock Box	06/26/2009		220.00
			Check 25369 Total:		220.00
9742	FIRST NA	First National Bank	06/26/2009		300.00 2,185.00 21,694.74

Check 9742 Total:

24,179.74

Report Total:

34,041.94

**First National**  
**Direct Deposit**  
**JUNE 26, 2009**  
**Bi-Weekly Payroll**

<u>Employee Name</u>	<u>Debit Amount</u>	<u>Credit Amount</u>
Adam Van Tassell		\$1,064.09
Amy Ruthig		\$1,083.08
Angela Williams		\$637.37
Carol Hanus		\$1,286.82
Dave Estrada		\$1,019.91
Debbie Hagen		445.28
Deborah Rojewski		\$2,268.99
Diane Zerby		\$550.21
<b>Genoa Township</b>	<b>\$24,179.74</b>	
Greg Tatara		\$2,332.39
Judith Smith		\$1,153.30
Karen J. Saari		\$950.69
Kelly VanMarter		\$1,997.16
Laura Mroczka		\$1,561.46
Michael Archinal		\$2,479.80
Renee Gray		\$961.59
Robin Hunt		\$1,249.92
Tammy Lindberg		\$966.43
Tesha Humphriss		\$2,171.25
<b>Total Deposit</b>		<b><u><u>\$24,179.74</u></u></b>

EFT #: \_\_\_\_\_  
 INTERNET: \_\_\_\_\_  
 CHECK BOOK: \_\_\_\_\_

Accounts Payable  
Computer Check Register



User: diane

Printed: 06/23/2009 - 15:58

Bank Account: 101CH

Check	Vendor No	Vendor Name	Date	Invoice No	Amount
9746	EFT-FED	EFT- Federal Payroll Tax	06/30/2009		4.35
					392.10
					392.10
					91.70
					91.70
					<hr/>
			Check 9746 Total:		971.95
					<hr/> <hr/>
25372	Equitabl	Equivest Unit Annuity Lock Box	06/30/2009		20.00
					<hr/>
			Check 25372 Total:		20.00
					<hr/> <hr/>
9747	FIRST NA	First National Bank	06/30/2009		5,696.61
					<hr/>
			Check 9747 Total:		5,696.61
					<hr/> <hr/>
			Report Total:		6,688.56
					<hr/> <hr/>

**First National  
Direct Deposit  
Quarterly Payroll  
June 30, 2009**

<b><u>Employee Name</u></b>	<b><u>Credit Amount</u></b>	<b><u>Debit Amount</u></b>
Adam Van Tassell	\$398.92	
Barb Figurski	\$1,306.03	
John McManus	\$147.76	
Dean Tengel	\$443.28	
Diana Lowe	\$443.28	
Doug Brown	\$761.89	
<b>Genoa Township</b>		<b>\$5,696.61</b>
H.J. Mortensen	\$295.52	
Joseph Perri	\$443.28	
Kevin Brady	\$295.52	
Michael Howell	\$457.13	
Steve Wildman	\$281.60	
Laura Brookins	\$422.40	
<b>Total Deposit</b>	<b><u><u>\$5,696.61</u></u></b>	

EFT #: \_\_\_\_\_  
Internet: \_\_\_\_\_  
Date: \_\_\_\_\_



Accounts Payable  
Computer Check Register



User: diane

Printed: 06/23/2009 - 11:31

Bank Account: 101CH

Check	Vendor No	Vendor Name	Date	Invoice No	Amount
25370	Administ	Total Administrative Services	07/01/2009		125.00
			Check 25370 Total:		125.00
9743	EFT-FED	EFT- Federal Payroll Tax	07/01/2009		1,948.24 749.27 749.27 175.24 175.24
			Check 9743 Total:		3,797.26
9744	EFT-PENS	EFT- Payroll Pens Ln Pyts	07/01/2009		193.33
			Check 9744 Total:		193.33
27371	Equitabl	Equinvest Unit Annuity Lock Box	07/01/2009		20.00
			Check 27371 Total:		20.00
9745	FIRST NA	First National Bank	07/01/2009		8,310.73 50.00
			Check 9745 Total:		8,360.73
			Report Total:		12,496.32

**First National  
Direct Deposit  
JULY 1, 2009  
Monthly Payroll**

<b><u>Employee Name</u></b>	<b><u>Debit Amount</u></b>	<b><u>Credit Amount</u></b>
<b>Genoa Township</b>	<b>\$8,360.73</b>	
<b>Adam Van Tassel</b>		<b>\$527.03</b>
<b>Gary McCririe</b>		<b>\$2,008.00</b>
<b>H.J. Mortensen</b>		<b>\$498.69</b>
<b>Jean Ledford</b>		<b>\$468.25</b>
<b>Paulette Skolarus</b>		<b>\$3,121.64</b>
<b>Steve Wildman</b>		<b>\$158.40</b>
<b>Todd Smith</b>		<b>\$1,578.72</b>
<b>Total Deposit</b>		<b><u><u>\$8,360.73</u></u></b>

12:34 PM  
06/30/09

**#595 PINE CREEK W/S FUND**  
**Payment of Bills**  
June 10, 2009 through July 1, 2009

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Check	06/10/2009	2040	City of Brighton		-7,500.00
<b>TOTAL</b>					<b>-7,500.00</b>

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06/30/09

**#593 LAKE EDGEWOOD W/S FUND**  
**Payment of Bills**  
June 10, 2009 through July 1, 2009

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Check	06/19/2009	1544	Consumers Energy	Gas Service 05/07/09 - 06/05/09	-55.74
Check	06/19/2009	1545	PVS NOLWOOD CHEMICALS, INC	Invoice 283430	-939.60
Check	06/19/2009	1546	AT&T	6/7 - 7/6/09	-160.48
Check	06/19/2009	1547	SEVERN TRENT ENVIRONMENTAL SERVICES	Inv 2041934	-7,973.99
Check	06/19/2009	1548	Brighton Analytical L.L.C.	Invoice 0609-63262	-67.00
Check	06/19/2009	1549	FONSON, INC.	Inv # 8394	-559.50
Check	06/29/2009	1550	AT&T	6/13/09 - 07/12/09	-39.57
<b>TOTAL</b>					<b>-9,795.88</b>

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**#592 OAK POINTE WATER/SEWER FUND-Capital Improvement**  
**Payment of Bills**  
June 10, 2009 through July 1, 2009

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Check	06/19/2009	1055	FONSON, INC.	Invoice# 8412	-9,021.05
<b>Total</b>					<b>-9,021.05</b>

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06/30/09

**#592 OAK POINTE WATER/SEWER FUND**  
**Payment of Bills**  
June 10, 2009 through July 1, 2009

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Check	06/19/2009	1433	STANDARD ELECTRIC	Invoice 1755234-0, 1755679-00 & 070	-453.92
Check	06/19/2009	1434	WASTE MANAGEMENT	Invoice 3640326-1389-5	-92.48
Check	06/19/2009	1435	NORTHWEST PIPE AND SUPPLY, INC.	Invoice # 101232 & 101217	-91.88
Check	06/19/2009	1436	TRUE VALUE HARDWARE	Invoice# 039330	-5.90
Check	06/19/2009	1437	BRIGHTON ANALYTICAL	Invoice 0609-63202, 63263, 63261, 63330	-268.00
Check	06/19/2009	1438	Howell Sanitary Company	Invoice # 4012	-1,440.00
Check	06/19/2009	1439	Keider Painting Company	Invoice dated 6/10/09	-12,380.00
Check	06/19/2009	1440	Bonk Brothers Supplies, Inc.	Invoice # 2417 & 2541	-232.45
Check	06/19/2009	1441	AT & T	6/7 - 7/6/09	-325.50
Check	06/19/2009	1442	MICHIGAN CAT	Inv#SD570002971 & SD570003053	-1,250.00
Check	06/19/2009	1443	HACH Company	Invoice # 6267663	-47.67
Check	06/19/2009	1444	SEVERN TRENT ENVIRONMENTAL SERVICES	Invoice # 2041935 & 2041933	-30,115.72
Check	06/19/2009	1445	TETRA TECH, INC.	Inv#502566663	-210.00
Check	06/19/2009	1446	HI-LINE	Invoice 2070302	-166.88
Check	06/19/2009	1447	FONSON, INC.	Inv# 8395	-494.00
Check	06/19/2009	1448	K & J Electric, INC	Invoices 4857, 4858, 4859	-1,217.00
Check	06/29/2009	1449	AT & T	6/13/09 - 7/12/09	-183.65
<b>TOTAL</b>					<b>-48,975.05</b>

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**#504 DPW RESERVE FUND**  
**Payment of Bills**  
June 10, 2009 through July 1, 2009

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
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no checks issued

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06/30/09

**#503 DPW UTILITY FUND**  
**Payment of Bills**  
June 10, 2009 through July 1, 2009

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Check	06/12/2009	1269	USABlueBook	Invoice 825457	-1,384.24
Check	06/12/2009	1270	HOWELL TRUE VALUE HARDWARE	Invoice # 039461	-11.97
Check	06/12/2009	1271	GRUNDY ACE OF HOWELL	Invoices 3/13/09 - 5/27/09	-93.72
Check	06/12/2009	1272	STANDARD ELECTRIC COMPANY	Invoice # 1755234-00	-72.59
Check	06/12/2009	1273	Greg Tatara	Oil change, filters on work truck	-56.59
Check	06/12/2009	1274	U.S. POSTMASTER	Pine Creek & Lake Edgewood billing May 09	-155.33
Check	06/19/2009	1275	LOWE'S	Acct # 9900 641691 3	-1,711.55
Check	06/19/2009	1276	Greg Tarara	VOID:	0.00
Check	06/19/2009	1277	Carol Hanus	Phone, Internet, postage	-222.79
Check	06/19/2009	1278	J.J.Jinkleheimer	Invoice 19902	-416.75
Check	06/19/2009	1279	TETRA TECH, INC.	Inv 50266658	-254.78
Check	06/19/2009	1280	USABlueBook	Invoice 826270	-2,293.05
Check	06/19/2009	1281	D&G Equipment, Inc.	Invoice 20241662	-439.95
Check	06/19/2009	1282	LAB SAFETY SUPPLY	Invoice 1013524623	-157.84
Check	06/19/2009	1283	American Water Works Association	Order # 7000116777	-71.00
Check	06/22/2009	1284	Greg Tatara	reimburse for bandage	-11.72
<b>TOTAL</b>					<b>-7,353.87</b>

**GENOA CHARTER TOWNSHIP  
REGULAR MEETING  
JUNE 15, 2009  
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 Jim Mortensen. Also present were Township Manager Michael Archinal and approximately five 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 items 1 and 2 under the consent agenda and to move item 3 to the regular agenda for further discussion. The motion carried unanimously.

**1. Payment of Bills**

**2. Request to approve minutes: 06-01-09**

**Approval of Regular Agenda:**

Moved by Ledford, supported by Hunt, to approve for action all items listed under the regular agenda and to add the following: 9. Request for approval of a publication of statutory notice for an amendment to the township zoning ordinance regulating fences in water-front yards as discussed by the Planning Commission. 10. Request for re-appointments to the Planning Commission and Zoning Board of Appeals. The motion carried unanimously.

**3. Request for approval of an amendment to the Peddler Solicitor and Transient Merchant Licensing and Control Ordinance changing the current fee from \$100.00 to \$200.00.**

Moved by Ledford, supported by Hunt, to amend the Ordinance as recommended. The motion carried unanimously.

**4. Public Hearing on Fendt Drive Road Improvement Project.**

A call to the property owners was made with the following response: Jane Halliday – If the project should come in over the 10% allowed under act 188, would we have to start over? McCririe – Yes. Halliday - The road will become a gravel road for the next four years, could it remain gravel? McCririe – That would be up to the property owners. Halliday – If the drive is gravel, why is it necessary to pave the parking lots on the industrial properties? Archinal – Gravel parking lots can be approved at the discretion of

the Planning Commission. A variance would be required.

A call to the public was made with no response.

**5. Request for approval of Resolution #3 (Approving Project, Cost Estimates, Special Assessment District and Causing the Special Assessment Roll to be prepared) for the Fendt Drive Road Improvement Project.**

Moved by Skolarus, supported by Smith, to approve Resolution # 3 as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Mortensen, Skolarus and McCririe. Nays – None. Absent – Wildman.

**6. Request for approval of Resolution #4 (Acknowledging the Filing of the Special Assessment Roll, Scheduling the Second Hearing, and Directing the Issuance of Statutory Notices) for the Fendt Drive Road Improvement Project.**

Moved by Mortensen, supported by Ledford, to approve Resolution # 4 as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Mortensen, Skolarus and McCririe. Nays – None. Absent – Wildman.

**7. Request for approval of a fire works permit display July 4, 2009 (July 5 or 6 if weather does not permit) on Lime Lake by James Wright with the display being launched directly across from his home at 4681 Bauer Road, Brighton, MI 48116.**  
Moved by Smith, supported by Skolarus, to approve the permit as requested contingent upon the following: licensing from the state, insurance and proper storage of materials. The motion carried unanimously.

**8. Discussion regarding SELCRA Articles of Incorporation.**

Ledford will be considered an at large member of SELCRA with voting rights.

**9. Request for approval of a publication of statutory notice for an amendment to the township zoning ordinance regulating fences in water-front yards as discussed by the Planning Commission.**

Moved by Smith, supported by Mortensen, to approve the publication as requested. The motion carried unanimously.

**10. Request for re-appointments to the Planning Commission and Zoning Board of Appeals as requested by McCririe.**

**A. Planning Commission appointments**

Moved by Ledford, supported by Hunt to re-appoint Barbara Figurski and Douglas Brown to the Planning Commission for a three-year term to expire 06/30/2012. The motion carried unanimously.

**B. Zoning Board of Appeals appointments**

GENOA CHARTER TOWNSHIP BOARD – Regular Meeting – June 15, 2009

Moved by Hunt, supported by Smith, to re-appoint Barbara Figurski to the Zoning Board of Appeals for a three-year term to expire 06/30/2012. The motion carried unanimously.

Moved by Ledford, supported by Smith, to appoint Marianne McCreary to the Zoning Board of Appeals for a three-year term to expire 06/30/2012. The motion carried unanimously.

The regular meeting of the Genoa Charter Township Board was adjourned at 6:50 p.m.



Paulette A. Skolarus  
Genoa Township Clerk

(Press/argus 06/19/09)

GENOA TOWNSHIP  
 FUTURE DEVELOPMENT - PARKS/RECREATION FUND #270  
 PROPOSED BUDGET AMENDMENT FOR THE YEAR  
 ENDING 3/31/2010


APPROVED  
 3/16/2009

ACCOUNT#	ACCOUNT DESCRIPTION	ORIGINAL BUDGET FOR THE YEAR ENDING 3/31/2010	PROPOSED REVISED BUDGET FOR THE YR 3/31/2010	
<b>REVENUES</b>				
000-664-000	INTEREST INCOME	13,000	13,000	
000-699-000	OPERATING TRANS IN FROM GF			
000-699-001	MISC REVENUE			
	<b>TOTAL REVENUES</b>	<b>13,000</b>	<b>13,000</b>	
<b>EXPENDITURES</b>				
330-698-000	SIDEWALKS (GRAND RIVER)	100,000	160,000	INCREASE \$60,000
330-696-000	ATHLETIC FIELD (GENOA TWP HALL)	50,000	50,000	
536-972-000	LAND FOR RECREATION			
new	SIRENS	50,000	50,000	
330-695-000	MISC/AUDITING			
	<b>TOTAL EXPENDITURES</b>	<b>200,000</b>	<b>260,000</b>	
	<b>NET REVENUES/EXPENDITURES</b>	<b>(187,000)</b>	<b>(247,000)</b>	
	<b>BEGINNING FUND BALANCE</b>	<b>739,157</b>	<b>739,157</b>	
	<b>ENDING FUND BALANCE</b>	<b>552,157</b>	<b>492,157</b>	



## MEMORANDUM

TO: Township Board

FROM: Mike Archinal 

DATE: 7/1/09

RE: Brighton Road Bike Path Repair

We have developed an intermittent artesian well underneath our bike path on Brighton Road west of the entrance to Pine Creek. The area of the well is evidenced by iron stains on the asphalt. Clearly this is a safety concern and maintenance concern especially during the summer months. The Township Engineer has secured a bid proposal for a repair which is attached. The repair will direct water from the subject area to an adjacent drain. Please consider the following action:

**Moved by \_\_\_\_\_, supported by \_\_\_\_\_, to approve the proposal from Fonson Construction as presented at a cost of \$3,610.**

# Bid Proposal



## Fonson, Inc.

7644 Whitmore Lake Road  
 Brighton, Michigan 48116  
 Contact: Richard M. Fons  
 Phone: (810) 231-5188  
 Fax: (810) 231-5404

Quote To: Genoa Township  
 2911 Dorr Road  
 Brighton, MI 48116

Job Name: Genoa Township - Brighton Rd Underdrain  
Location: 7311 Brighton Rd, Genoa Twp.  
Engineer: Genoa Township  
Date of Plans: None  
Bid Date: 06/22/2009  
Revision Date: None

Contact: Ms. Tesha Humphriss P.E.  
Phone: 810 227-5225  
Fax: 810 227-1409

Site Work Proposal - Brighton Road Underdrain

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
10	Mobilization	1.00	LS	400.00	400.00
20	4" Underdrain w/Sock	60.00	LF	12.00	720.00
30	Remove and Replace Asphalt Paving	33.00	SYD	55.00	1,815.00
40	Minor Restoration	1.00	LS	675.00	675.00
<b>GRAND TOTAL</b>					<b>\$3,610.00</b>

**NOTES:**

- No Permits or Inspection Fee's
- No Compaction Testing
- No Layout, Staking or Engineering
- No Tap Fee's
- No Clearing or Removal of Debris
- No Removal or Handling of Contaminated Soil or Materials
- No Removal or Relocation of Sprinkler Systems
- No Bonds or Dues Included
- No Overtime, Sunday, or Holiday Work Included

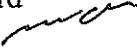
This Proposal is valid for your acceptance within 30 days from the bid date. After 30 days we reserve the right to withdraw this proposal unless a binding letter of intent to contract the work to Fonson has been received.

By: \_\_\_\_\_  
 Richard M. Fons

You are hereby authorized to furnish all material, equipment and labor required to complete the work described in the above quote, for which the undersigned agrees to pay the amount stated in said quote and according to the terms thereof.

Date: \_\_\_\_\_ By: \_\_\_\_\_

## MEMORANDUM

TO: Township Board  
FROM: Mike Archinal   
DATE: 7/1/09  
RE: Crack Sealing

This is the second year of our crack sealing program. The following is in excerpt from a memo I wrote to you on 3/14/08:

*A new wrinkle to this year's program is subdivision crack sealing. You may recall that several months ago you commissioned a study to rate our subdivision roads. The study rated our roads from 10 to 1 with 10 being the best. The results of this study follow this report. Through private development and Special Assessment Districts we have a large number of roads that are fairly new and in fairly good shape. These roads represent a huge investment and a huge future expense if they are not properly maintained. Roads with ratings of 7 or higher can receive benefit from hot rubber overbanding a.k.a. crack sealing. Lower rated pavement sections require sealcoating or resurfacing and are much more expensive. This program recommends treatment to those pavements that can have their useful life extended through relatively inexpensive cracksealing. In addition to responsible infrastructure management this treatment allows for a large number of subdivisions to receive improvement. \$127,000 of cracksealing is proposed for the attached roads. I recommend that we continue an aggressive cracksealing program in the future.*

This program has been very popular with our customers. It allows us to positively affect a large number of residents at a relatively low cost. We have enjoyed a positive working relationship with our contractor, Scodeller Construction. With a reduced revenue stream this year's budget anticipated approximately \$100,000 of crack sealing. We are proposing the attached program for 2009.

Please note the asterisk by Pine Creek. The Pine Creek Homeowners Association and Condominium Association are proposing an integrated improvement including asphalt patching, crack sealing and seal coating. They are proposing a special assessment for most of the work. I feel it is appropriate to include the crack sealing portion of this work under the Township's program. To avoid conflict between contractors I recommend that we allow the subdivision's contract, Action Asphalt to perform this work. Please consider the following actions:

**Moved by \_\_\_\_\_, supported by \_\_\_\_\_, to approve a contract with Scodellor Construction for the work identified on the attached schedule dated 7/1/2009.**

**Moved by \_\_\_\_\_, supported by \_\_\_\_\_, to approve a contract with Action Asphalt for work to be performed in the Pine Creek development in the amount of \$9,450.**

May 4, 2009

Mr. Michael C. Archinal  
Genoa Township Manager  
Township Hall  
2911 Dorr Road  
Brighton, MI 48116

Dear Mr. Archinal,

Re: Crack Sealing of Residential Roads

Attached is a schedule of costs to seal asphalt residential roads per your request. Sealant material is most effective when injected into the crack, rather than covering the road surface above the crack. Wherever possible, it is our intent to rout all major working cracks greater than 1/8 " wide to form a reservoir to hold hot pour rubber within the crack. Secondary cracks less than 1/8" will be sealed by the "overband" method, which entails a 2" wide band of rubber on the road surface.

Some sections of road have deteriorated to the point that crack sealing will be of little use. Such excluded areas are indicated on the schedule. Other areas of pavement are a mixture of individual working cracks and localized areas of "map" cracking, also known as alligatored pavement, characterized by many cracks very close together due to base failure. Our prices exclude such areas, which would not benefit from surface treatment.

I will make myself available at your convenience to more fully explain the scope of work, so that there is a mutual understanding of your needs, priorities and our repair intent.

Sincerely,



Eamonn Dwyer

248 274 1102 ext 108

### CONTRACT AGREEMENT

- 1) The CONTRACTOR agrees to conform to all Laws and Regulations whether State or Municipal and abide by all agreements.
- 2) The CONTRACTOR shall hold the OWNER harmless from any penalties or other liability arising from the performance by the CONTRACTOR .
- 3) The CONTRACTOR shall submit to the OWNER such affidavits concerning payments of bills and other claims as may be required by the OWNER. In the event the CONTRACTOR fails to pay promptly any amounts due, the OWNER shall have the right to withhold payments to the CONTRACTOR or make monies due to the interested Party and CONTRACTOR jointly.
- 4) Payments - Payments and disputes will be settled in accordance with Enrolled House Bill 5541.
- 5) The CONTRACTOR shall provide certificates of insurance as evidence that he carries Workman's Compensation and Employer Liability Insurance and Public Liability and Property Damage Liability Insurance in amounts and limits satisfactory to the OWNER, and shall also provide evidence that Products and Completed Operation Liability Coverage and Blanket Contractual Liability Insurance is in effect with a provision that an advance notice of expiration termination, or material change in any of such coverage shall be submitted to the OWNER at least ten (10) days before any effective date of such change or termination. All such policies shall cover liabilities arising from all operations covered hereby whether within or without of the project limits. All such policies shall also provide coverage on an occurrence basis.
- 6) The CONTRACTOR agrees to pay all federal, state and local taxes, including the State Sales and Use Taxes on all materials and supplies consumed in the performance of this subcontract, and agrees that all prices stated herein include such taxes if applicable and secure at his own expense all permits or licenses required for his work and to pay any other costs incurred by or an account of his work herein.
- 7) The CONTRACTOR agrees that the OWNER retains the right to decrease or delete any of the aforementioned units off work at their effective unit prices. In the event the OWNER elects to exercise this option it will in no way relieve the CONTRACTOR of his responsibility to complete the remaining portion of his work according to all of the terms of this Agreement.

- 8) The parties hereto covenant not to discriminate against any employee or applicant for employment to be employed in the performance of this Agreement with respect to his hire, tenure, terms, conditions or privileges of employment or any matter directly related to employment because of race, color, religion, national origin or ancestry.
  
- 9) The CONTRACTOR will be responsible for clean-up work at the site to the satisfaction of the OWNER.
  
- 10) The Contractor may restrict traffic where required for construction, and shall maintain and protect vehicular and pedestrian access.
  
- 11) Scope of work and prices per Attachment A as jointly amended by OWNER and CONTRACTOR.

In Witness WHEREOF, the parties hereto have set their hand this

\_\_\_\_\_ day of \_\_\_\_\_ 2006.

In presence of

CONTRACTOR: SCODELLER CONSTRUCTION, INC.

Diane Massetti

BY:

EST

OWNER: GENOA TOWNSHIP, MICHIGAN

BY: \_\_\_\_\_

GENOA CHARTER TOWNSHIP  
2009 CRACK SEALING

<b>AREA</b>	<b>STREET</b>	<b>AMOUNT</b>
Chemung	Longpoint	\$ 1,250
Chemung	James	\$ 800
Chemung	Chemung	\$ 750
Chemung	Norfolk	\$ 800
Chemung	South	\$ 1,900
Chemung	Edinburgh	\$ 4,400
	<b>SUBTOTAL</b>	\$ 9,900
Dorr & Crooked	Old Carriage	\$ 4,500
Dorr & Crooked	Oak Creek	\$ 3,600
Dorr & Crooked	Cedar Knoll	\$ 2,700
	<b>SUBTOTAL</b>	\$ 10,800
Tri-Lakes	Filbert	\$ 9,300
Tri-Lakes	Clifford	\$ 4,800
Tri-Lakes	Highcrest	\$ 4,750
Tri-Lakes	Noble	\$ 2,100
	<b>SUBTOTAL</b>	\$ 20,950
Primaries	Challis	\$ 7,200
Primaries	Crooked Lake	\$ 9,300
Primaries	Dorr	\$ 24,200
Primaries	Hubert	\$ 2,050
	<b>SUBTOTAL</b>	\$ 42,750
Pine Creek	Pine Creek*	\$ 9,450
	<b>SUBTOTAL</b>	\$ 9,450
	<b>TOTAL</b>	\$ 93,850
	<b>TOTAL LESS PINE CREEK</b>	\$ 84,400

Act No. 524

Public Acts of 1980

Approved by Governor

January 29, 1981

STATE OF MICHIGAN  
80<sup>th</sup> LEGISLATURE  
REGULAR SEASON OF 1980

Introduced by Rep. Ryan

ENROLLED HOUSE BILL NO. 5541

AN ACT to provide for the terms of certain construction contracts with certain public agencies; to regulate the payment and retainage of payments on construction contracts with certain public agencies; and to provide for the resolution of certain disputes.

*The People of the State of Michigan enact:*

Sec. 1. As used in this act:

(a) "Agent" means the person or persons agreed to or selected by the contractor and the public agency pursuant to section 4(2).

(b) "Architect or professional engineer" means an architect or professional engineer licensed under Act No. 299 of the Public Acts of 1980, being sections 339.101 to 339.2601 of the Michigan Compiled Laws, and designated by a public agency in a construction contract to recommend progress payments.

(c) "Construction contract" or "contract" means a written agreement between a contractor and a public agency for the construction, alteration, demolition, or repair of a facility, other than a contract having a dollar value less than \$30,000.00 or a contract that provides for 3 or fewer payments.

(d) "Contract documents" means the construction contract; instructions to bidders; proposal; conditions of the contract; performance bond; labor and material bond; drawings; specifications; all addenda issued before execution of the construction contract and all modifications issued subsequently.

(e) "Contractor" means an individual, sole proprietorship, partnership, corporation, or joint venture, that is a party to a construction contract with a public agency.

(f) "Facility" means a building, utility, road, street, boulevard, parkway, bridge, ditch, drain, levee, dike, sewer, park, playground, or other structure or work that is paid for with public funds or a special assessment.

(g) "Progress payment" means a payment by a public agency to a contractor for work in place under the terms of a construction contract.

(h) "Public agency" means this state, or a county, city township, village, assessment district, or other political subdivision, corporation, commission, agency, or authority created by law. However, public agency does not include the state transportation department, a school district, junior or community college, the

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Michigan state housing development authority created in Act No. 346 of the Public Acts of 1966, as amended, being sections 125.1401 to 125.1496 of the Michigan Compiled Laws, and a municipal electric utility or agency. "Assessment district" means the real property within a district area upon which special assessments are levied or imposed or the construction, reconstruction, betterment, replacement, or repair of a facility to be paid for by funds derived from those special assessments imposed or levied on the benefited real property.

(i) "Retainage" or "retained funds" means the amount withheld from a progress payment to a contractor pursuant to Section 3.

Sec. 2. (1) The construction contract shall designate a person representing the contractor who will submit written requests for progress payments, and a person representing the public agency to whom requests for progress payments are to be submitted. The written requests for progress payments shall be submitted to the designated person in a manner and at such time as provided in the construction contract.

(2) The processing of progress payments by the public agency may be deferred by the public agency until work having a prior sequence, as provided in the contract documents, is in place and is approved.

(3) Each progress payment requested, including reasonable interest if requested under subsection (4), shall be paid within 1 of the following time periods, whichever is later:

(a) Thirty days after the architect or professional engineer has certified to the public agency that work is in place in the portion of the facility covered by the applicable request for payment in accordance with the contract documents.

(b) Fifteen days after the public agency has received the funds with which to make the progress payment from a department or agency of the federal or state government, if any funds are to come from either of those sources.

(4) Upon failure of a public agency to make a timely progress payment pursuant to this section, the person designated to submit requests for progress payments may include reasonable interest on amounts past due in the next request for payment.

Sec. 3. (1) To assure proper performance of a construction contract by the contractor, a public agency may retain a portion of each progress payment otherwise due as provided in this section.

(2) The retainage shall be limited to the following:

(a) Not more than 10% of the dollar value of all work in place until work is 50% in place.

(b) After the work is 50% in place, additional retainage shall not be withheld unless the public agency determines that the contractor is not making satisfactory progress, or for other specific cause relating to the contractor's performance under the contract. If the public agency so determines, the public agency may retain not more than 10% of the dollar value of work more than 50% in place.

(3) The retained funds shall not exceed the pro rata share of the public agency's matching requirement under the construction contract and shall not be commingled with other funds of the public agency and shall be deposited in an interest bearing account in a regulated financial institution in this state wherein all such retained funds are kept by the public agency which shall account for both retainage and interest on each construction contract separately. A public agency is not required to deposit retained funds in an interest bearing account if the retained funds are to be provided under a state or federal grant and the retained funds have not been paid to the public agency.

(4) Except as provided in Section 4(7) and (8), retainage and interest earned on retainage shall be released to a contractor together with the final progress payment.

(5) At any time after 94% of work under the contract is in place and at the request of the original contractor, the public agency shall release the retainage plus interest to the original contractor only if the original contractor provides to the public agency an irrevocable letter of credit in the amount of the retainage plus interest, issued by a bank authorized to do business in this state, containing terms mutually acceptable to the contractor and the public agency.

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Sec 4. (1) The construction contract shall contain an agreement to submit those matters described in subsection (3) to the decision of an agent at the option of the public agency.

(2) If a dispute regarding a matter described in subsection (3) arises, the contractor and the public agency shall designate an agent who has background, training, and experience in the construction of facilities similar to that which is the subject of the contract, as follows:

(a) In an agreement reached within 10 days after a dispute arises.

(b) If an agreement cannot be reached within 10 days after a dispute arises, the public agency shall designate an agent who has background, training, and experience in the construction of facilities similar to that which is the subject of the contract and who is not an employee of the agency.

(3) The public agency may request dispute resolution by the agent regarding the following:

(a) At any time during the term of the contract, to determine whether there has been a delay for reasons that were within the control of the contractor, and the period of time that delay has been caused, continued, or aggravated by actions of the contractor.

(b) At any time after 94% of work under the contract is in place, whether there has been an unacceptable delay by the contractor in performance of the remaining 6% of work under the contract. The agent shall consider the terms of the contract and the procedures normally followed in the industry and shall determine whether the delay was for failure to follow reasonable and prudent practices in the industry for completion of the project.

(4) This dispute resolution process shall be used only for the purpose of determining the rights of the parties to retained funds and interest earned on retained funds and is not intended to alter, abrogate, or limit any rights with respect to remedies that are available to enforce or compel performance of the terms of the contract by either party.

(5) The agent may request and shall receive all pertinent information from the parties and shall provide an opportunity for an informal meeting to receive comments, documents, and other relevant information in order to resolve the dispute. The agent shall determine the time, place, and procedure for the informal meeting. A written decision and reasons for the decision shall be given to the parties within 14 days after the meeting.

(6) The decision of the agent shall be final and binding upon all parties. Upon application of either party, the decision of the agent may be vacated by order of the circuit court only upon a finding by the court that the decision was procured by fraud, or other illegal means.

(7) If the dispute resolution results in a decision:

(a) That there has been a delay as described in subsection (3)(a), all interest earned on retained funds during the period of delay shall become the property of the public agency.

(b) That there has been unacceptable delay as described in subsection (3)(b), the public agency may contract with a subsequent contractor to complete the remaining 6% of work under the contract, and interest earned on retained funds shall become the property of the public agency. A subsequent contractor under this subdivision shall be paid by the public agency from the following sources until each source is depleted, in the order listed below:

(i) The dollar value of the original contract, less the dollar value of funds already paid to the original contractor and the dollar value of work in place for which the original contractor has not received payment.

(ii) Retainage from the original contractor, or funds made available under a letter of credit provided under section 3(5).

(iii) Interest earned on retainage from the original contractor, or funds made available under a letter of credit provided under section 3(5).

(8) If the public agency contracts with a subsequent contractor as provided in subsection (7)(b), the final progress payment shall be payable to the original contractor the time period specified in section 2(3). The amount of the final progress payment to the original contractor shall not include interest earned on

retained funds. The public agency may deduct from the final progress payment all expenses of contracting with the subsequent contractor. This act shall not impair the right of the public agency to bring an action or to otherwise enforce a performance bond to complete work under a construction contract.

Sec. 5. (1) Except as provided in subsection (2), this act shall apply only to a construction contract entered into after the effective date of this act.

(2) For a construction contract entered into before the effective date of this date, the provisions of this act may be implemented by a public agency, through a contract amendment, upon the written request of the contractor, with such consideration as the public agency considers adequate.

Sec. 6. This act shall take effect January 1, 1983.

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Michigan Department of Transportation  
Pre-Qualified State Highway Contractor

Serving the State of Michigan  
**ACTION**  
ASPHALT & CONCRETE, INC.

Residential  
Commercial  
Industrial  
Municipal

Equal Opportunity Employer

June 9, 2009  
Pine Creek Home Owners Association  
Attn. Jack Berry  
5621 Arbor Bay Court  
Brighton, Michigan 48116

**RE: Pine Creek Subdivision Roads**

*Crack Repair and Seal Coat*

**SCOPE OF WORK: Crack filling**

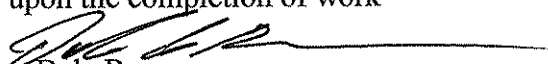
- Approximately 19,000 feet
- Clean Cracks with forced air
- Seal Cracks with hot Rubber flush to surface
- Seal with an over-band
- Includes Livingston County Road Commission Permits and necessary traffic controls during work.

**Total cost for crack Filling = \$9,450.00**

**Terms:**

- Proposal is based on above quantities , depths and scope of work, any additional work or materials required will be charged accordingly
- The following items are excluded from the proposal and scope of work unless otherwise specified in writing: permits, inspection fees, testing, bonds, layout, engineering, lawn and/or irrigation restoration, excavating, and any necessary undercutting or unsuitable sub-base materials
- Action Asphalt is not responsible for any hidden conditions
- Proposal is good for thirty (30) days from May 5, 2009
- **Proposal is extended for an additional forty-five days from 6/9/09\***
- 25% down upon acceptance of proposal
- 25% additional with-in ten (10) days prior to the beginning of work
- Balance due upon the completion of work

Thank you:

  
Dale Brewer

[\*Proposals for Road Repair, Seal Coat, & Hot Crack Repair also extended for 45 days from 6/9/09]

Accepted by \_\_\_\_\_ - Print name and Title \_\_\_\_\_ - Date \_\_\_\_\_

*Practical techniques, valuable resources and "big picture" strategies.*

Join fellow supervisors from around the state on July 13-14 for the *Supervisors' Professional Development Retreat*. Held at the beautiful Yarrow Golf & Conference Center—located in Augusta, between Kalamazoo and Battle Creek—this retreat offers you excellent networking opportunities, as well as premier educational programming.

*Arm yourself with the latest information and most innovative strategies to lead your township through challenging times.*

The global recession and less revenue sharing dollars have created enormous pressures for greater efficiencies and cost reductions. MTA designed this exclusive *Supervisors' Professional Development Retreat* to help you focus your efforts to prevent a flow of red ink and find creative ways to trim the fat while sparing services most important to your residents.

**Educational Sessions Include:**

**Positioning Your Township to Thrive in the 21st Century**

This is not your father's economy. In the New Economy, the manufacturing economy paradigm has been turned on its head. The role of a community has changed. To be successful, Michigan communities must focus on creating climates known for producing new ideas, enabling productive partnerships and attracting talented people. Explore how townships can work together to create attractive and sustainable high-impact communities that can succeed in today's economy.

**Attracting 21st-Century Business Sectors**

With crises come opportunities. As Michigan's auto industry plummets, and economic trends indicate a changing labor force, we must recognize that there is more to our state than just manufacturing. Agricultural innovation and biotechnology are examples of how changing dynamics shift the emphasis to knowledge-intensive industries and human capital. Learn more about what infrastructure needs to be in place to support 21st-century businesses, and hear strategies to position your township to be ready to meet these trends.

**Leading in Michigan During Economic Transitions**

Leadership is especially challenging when times are economically tough, ethically uncertain and globally volatile. To achieve your goals, you must be able to promote consensus and negotiate solutions that all sides can support. Learn effective persuasion techniques to help present hard-to-sell ideas and get beyond conflict when negotiating with fellow board members and others.

**Myths and Realities of Intergovernmental Cooperation**

Assets don't follow township or county boundaries. Local governments can often realize cost savings by partnering with neighboring municipalities rather than duplicating services. Townships, villages and cities must work together to define and reposition themselves in the New Economy. Learn what elements are needed to work together with neighboring communities as an experienced panel discusses what makes some groups succeed while others fail.

**Your Role in the Public Eye**

How your township responds to media requests and public comment is critical to your image and reputation. Even simple things, like your appearance and body language during board meetings and other public events, impact your credibility. Examine common media and other public situations, and explore practical ways to get your message across—even in tough times.

**Fiscal Forecasting**

Is your township heading toward financial trouble? Take immediate measures to avoid the storm by learning to identify early warning signs. Discover tools that allow you to forecast financial outcomes in future years and enable you to take a proactive approach to financial management.

**Economic Stimulus & Grant Funding Opportunities**

As new opportunities for stimulus and grant funding surface, the race to secure that funding becomes increasingly competitive. Now more than ever, it's important to paint a better picture than your competitors. Learn more about the art of finding grant opportunities and specific strategies to get your piece of the monetary pie.

**Legislative Lowdown**

The Legislature establishes your responsibilities. Get the inside scoop on how MTA legislative liaisons lobby on township issues. Find out what's brewing legislatively that could impact your township and gain insight on meeting future expectations of state and county officials.



Attendance at the *Professional Development Retreat* is worth four (4) Elective credits in MTA's Township Governance Academy.

**Cancellations & Substitutions**

Written cancellation requests received at the MTA office by June 26 will receive a full refund. No refunds will be issued thereafter. Please note that, for a \$10 charge, you may substitute another individual for your registration if you are unable to attend. Call MTA to notify us of the change.

**Agenda**

**Day 1:**

9 a.m.  
Registration check-in

10 a.m.  
*Positioning Your Township to Thrive in the 21st Century*

11 a.m.  
*Attracting 21st-Century Business Sectors*

Noon  
Networking luncheon

1 p.m.  
*Leading in Michigan During Economic Transitions*

3 p.m.  
Break

3:30 p.m.  
*Myths and Realities of Intergovernmental Cooperation*

5:30 p.m.  
Break

6 p.m.  
Networking dinner

7 p.m.  
*Your Role in the Public Eye*

8:30 p.m.  
Afterglow reception sponsored by



**Day 2:**

8 a.m.  
Networking breakfast

9 a.m.  
*Fiscal Forecasting*

10:30 a.m.  
Break

11 a.m.  
*Economic Stimulus & Grant Funding Opportunities*

12:30 p.m.  
Networking luncheon

1:30 p.m.  
*Legislative Lowdown*

3 p.m.  
Adjourn

REGISTRATION FORM

**Supervisors' Professional Development Retreat  
July 13-14, 2009**

Township \_\_\_\_\_ County \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Daytime Telephone \_\_\_\_\_ E-mail Address \_\_\_\_\_

**NOTE: Payment must accompany form in order to be processed.**

- Check enclosed (payable to MTA)
- Charge to: (circle one) MasterCard VISA

Card # \_\_\_\_\_ Expires \_\_\_\_\_

Print Card Holder's Name \_\_\_\_\_ Signature \_\_\_\_\_

**Full Program:** Includes overnight lodging, all meals, refreshments, reception, workshops and materials.

- non-smoking room  smoking room

\$349 per person—double occupancy (\$399 after June 26)  
Roommate: \_\_\_\_\_  
*(If left blank, a roommate will be assigned.)*

- \$395 per person—single occupancy (\$445 after June 26)
- \$249 per person—NO LODGING (\$299 after June 26 or on-site)

**Single-Day Session:** Check the day you wish to attend  
(Includes that day's meals, refreshments, workshops and materials)

- Day One ONLY \$200 per person (\$225 after June 26 or on-site)
- Day Two ONLY \$100 per person (\$125 after June 26 or on-site)

TOTAL: \$ \_\_\_\_\_ *Non-members, call MTA for rates.*

Send your completed registration form with payment to MTA, P.O. Box 80078, Lansing, MI 48908-0078; fax: (517) 321-8908.  
Or register online at [www.michigantownships.org](http://www.michigantownships.org).

[Resolution No. 5 – Fendt Drive Road Improvement Project  
Reimbursement Special Assessment Project (2009)]

**GENOA CHARTER TOWNSHIP**

At a regular meeting of the Township Board of the Genoa Charter Township, Livingston County, Michigan, (the “Township”) held at the Township Hall on July 6, 2009, at 6:30 p.m., there were

PRESENT: McCririe, Hunt, Wildman, Mortensen, Smith and Ledford.

ABSENT: Skolarus.

The following preamble and resolution were offered by \_\_\_\_\_, and seconded by \_\_\_\_\_.

**Resolution Confirming Special Assessment Roll**

WHEREAS, the Board of Trustees of the Township has determined to proceed with the Road Improvement Project within the Township as described in Exhibit A (the “Project”);

WHEREAS, the Board of Trustees of the Township has determined to proceed with the Project in accordance with Act No. 188, Michigan Public Acts of 1954, as amended;

WHEREAS, the Board of Trustees of the Township has determined to advance the costs of the Project from Township funds and to use special assessments to raise the money necessary to reimburse the Township for the advance of such funds;

WHEREAS, the Township Supervisor has prepared the Special Assessment Roll entitled “Special Assessment Roll for the Fendt Drive Road Improvement Project Reimbursement Special Assessment Project (2009)” (the “Proposed Roll”) and has filed the Proposed Roll with the Township Clerk;

WHEREAS, the Township Board has scheduled a public hearing on the Proposed Roll and notice of the hearing has been properly provided;

WHEREAS, the Township Board conducted the public hearing on the Proposed Roll on July 6, 2009.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Roll Confirmed. In accordance with Act No. 188, Michigan Public Acts of 1954, as amended, and the laws of the State of Michigan, the Township Board hereby confirms the special assessment roll for the Genoa Township Fendt Drive Road Improvement Project Reimbursement Special Assessment Project (2009) (the “Roll”).

2. Future Installments - Principal. The Township Board determines that each special assessment may be paid in four installments. The first installment shall be due December 1, 2009.

3. Future Installments - Interest. All unpaid installments shall not bear interest.

4. Warrant. The Township Clerk is hereby directed to attach a warrant (in the form of Exhibit B to this resolution) to the Roll and to deliver such warrant and the Roll to the Township Treasurer, who shall thereupon collect the special assessments in accordance with the terms of this resolution, the Clerk's warrant and the statutes of the State of Michigan.

5. Inconsistent Prior Resolutions. All previously adopted resolutions that are in conflict with this resolution are repealed to the extent of such conflict.

A vote on the foregoing resolution was taken and was as follows:

YES: Ledford, Smith, Hunt, Wildman, Mortensen and McCririe.

NO: None.

ABSENT: Skolarus.

CLERK'S CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the Township, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Township Board at a meeting of the Township Board, at which meeting a quorum was present and remained throughout; (2) the original thereof is on file in the records in my office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended); and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

\_\_\_\_\_  
Paulette A. Skolarus, Genoa Charter Township Clerk



EXHIBIT A

DESCRIPTION OF PROJECT  
A FOUR YEAR SPECIAL ASSESSMENT DISTRICT  
WITH PROJECTED COSTS AS FOLLOWS:

The project (the "Project") will consist of:

1. Soil Borings & Report	\$2,920.00
2. Engineering Fees	600.00
3. Administrative Cost	1,000.00
4. Construction Quote	141,450.00
5. Survey, Soil Testing, etc.	13,030.00
Total	159,000.00

---

**Exhibit B**

**Warrant**

---

WARRANT

TO: Treasurer  
Genoa Township  
Livingston County, Michigan

I certify that attached to this Warrant is a true copy of the special assessment roll for the Genoa Township Fendt Drive Road Improvement Project Reimbursement Special Assessment District (2009) confirmed by the Township Board on July 6, 2009 (the "Confirming Resolution"). You are hereby directed to proceed to collect the amounts due on such roll in accordance with this Warrant, the Confirming Resolution and the statutes of the State of Michigan.

---

Paulette A. Skolarus,  
Genoa Charter Township Clerk

PARCEL	ASSESSMENT NAME	ASSESSMENT	OWNER ADDRESS
4711-08-201-001	061509, FENDT DR RD I	15,900.00	PATTERSON, BLYTHE & ALAN 1258 FENDT DR
4711-08-201-005	061509, FENDT DR RD I	15,900.00	L & H REALTY ENTERPRISES LLC 1172 FENDT DR #100
4711-08-201-006	061509, FENDT DR RD I	15,900.00	R & K ENTERPRISES OF HOWELL LLC 1167 FENDT DR
4711-08-201-007	061509, FENDT DR RD I	15,900.00	RHODES DON & SHIRLEY 2323 NIXON RD
4711-08-201-008	061509, FENDT DR RD I	15,900.00	BAYCREST, LLC 5265 MYSTIC LAKE DR
4711-08-201-009	061509, FENDT DR RD I	15,900.00	GREG LEBLANC HOLDINGS LLC 1225 FENDT DR
4711-08-201-010	061509, FENDT DR RD I	15,900.00	J.R. DEVELOPMENT, INC. 2323 NIXON RD
4711-08-201-011	061509, FENDT DR RD I	47,700.00	BRIGGS & ALLISON HOWELL LLC 1212 FENDT DR
# OF PARCELS: 8	TOTALS:	159,000.00	

Resolution #1 –Pine Creek Subdivision Road Improvement  
Special Assessment Project ( 2009)

**GENOA CHARTER TOWNSHIP**

At a regular meeting of the Township Board of the Genoa Charter Township, Livingston County, Michigan, (the “Township”) held at the Township Hall on July 6, 2009, at 6:30 p.m., there were

PRESENT: McCririe, Hunt, Mortensen, Wildman, Smith and Ledford.

ABSENT: Skolarus.

The following preamble and resolution were offered by \_\_\_\_\_, and seconded by \_\_\_\_\_.

**Resolution to Proceed with the  
Project and Direct  
Preparation of the Plans and Cost Estimates**

WHEREAS, the Board of Trustees of the Township desires to create a special assessment district for a road improvement project to the Pine Creek Subdivision within the Township as described in Exhibit A (the “Project”);

WHEREAS, the Board of Trustees of the Township has received petitions from owners of property adjoining the Pine Creek Subdivision and determined to proceed with the Project in accordance with Act No. 188, Michigan Public Acts of 1954, as amended;

WHEREAS, the Board of Trustees of the Township has determined to advance the costs of the Project from Township funds and to use special assessments to raise the money necessary to reimburse the Township for the advance of such funds;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. In accordance with Act No. 188, Michigan Public Acts of 1954, as amended, and the laws of the State of Michigan, the Township Supervisor is directed to have plans prepared illustrating the Project, the location of the Project, and an estimate of the cost of the Project.

2. The plans and estimates identified in paragraph 1, when prepared, shall be filed with the Township Clerk.

A vote on the foregoing resolution was taken and was as follows:

YES: Ledford, Smith, Hunt, Wildman, Mortensen, and McCririe.

NO: None.

ABSTAIN: None.

CLERK'S CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the Township, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Township Board at a meeting of the Township Board (July 6, 2009), at which meeting a quorum was present and remained throughout; (2) the original thereof is on file in the records in my office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended); and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

---

Paulette A. Skolarus  
Genoa Charter Township Clerk

A final hardcopy of Resolution #1 and #2 will be emailed on Monday. We are waiting on final figures from the asphalt company.

EXHIBIT A

DESCRIPTION OF PROJECT  
A ONE YEAR SPECIAL ASSESSMENT DISTRICT  
WITH PROJECTED COSTS AS FOLLOWS:

The project (the "Project") will consist of:

1.

Total

[Resolution #2 – Pine Creek Subdivision Road Improvement  
Special Assessment Project (2009)]

**GENOA CHARTER TOWNSHIP**

At a regular meeting of the Township Board of the Genoa Charter Township of Livingston County, Michigan, (the “Township”) held at the Township Hall on July 6, 2009, at 6:30 p.m., there were

PRESENT: McCririe, Hunt, Mortensen, Wildman, Smith and Ledford.

ABSENT: Skolarus.

The following preamble and resolution were offered by \_\_\_\_\_, and seconded by \_\_\_\_\_.

**Resolution to Approve the Project,  
Scheduling the First Hearing  
and Directing the Issuance of Statutory Notices**

WHEREAS, the Board of Trustees of the Township has approved the Pine Creek Subdivision Road Improvement Project within the Township as described in Exhibit A (the “Project”);

WHEREAS, preliminary plans and cost estimates for the Project have been filed with the Township Clerk;

WHEREAS, the Board of Trustees of the Township has determined to proceed with the Project in accordance with Act No. 188, Michigan Public Acts of 1954, as amended;

WHEREAS, the Board of Trustees of the Township has determined to advance the costs of the Project from Township funds and to use special assessments to raise the money necessary to reimburse the Township for the advance of such funds;

WHEREAS, the special assessment district for the Project has been tentatively determined by the Township and is described in Exhibit B;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Trustees of the Township hereby tentatively declares its intent to proceed with the Project.
2. In accordance with Act No. 188, Michigan Public Acts of 1954, as amended, and the laws of the State of Michigan, there shall be a public hearing on the Project and the proposed Special Assessment District for the Project which is known as the “Pine Creek Subdivision Road Improvement Project” (2009) Special Assessment District.”
3. The public hearing will be held on July 20th, 2009 at 6:30 p.m., at the offices of Genoa Charter Township, Livingston County, Michigan.
4. The Township Clerk is directed to mail, by first class mail, a notice of the public hearing to each owner of or party in interest in property to be assessed, whose name appears upon the last Township tax assessment records. The last Township tax assessment records means the last assessment roll for ad valorem tax purposes which has been reviewed by the Township Board of Review, as supplemented by any subsequent changes in the names or addresses of such owners or parties listed thereon. The notice to be mailed by the Township Clerk shall be similar to the notice attached as Exhibit B and shall be mailed by first class mail on or before July 7, 2009. Following the mailing of the notices, the Township Clerk shall complete an affidavit of mailing similar to the affidavit set forth in Exhibit C.



5. The Township Clerk is directed to publish a notice of the public hearing in the Livingston County Daily Press & Argus, a newspaper of general circulation within the Township. The notice shall be published twice, once on or before July 10, 2009 and once on or before July 17, 2009. The notice shall be in a form substantially similar to the notice attached as Exhibit B.

A vote on the foregoing resolution was taken and was as follows:

YES: Ledford, Smith, Hunt, Wildman, Mortensen, and McCririe.

NO: None.

ABSTAIN: None.

#### CLERK'S CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the Township, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Township Board at a meeting of the Township Board, at which meeting a quorum was present and remained throughout; (2) the original thereof is on file in the records in my office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended); and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

---

Paulette A. Skolarus  
Genoa Charter Township Clerk

EXHIBIT A

DESCRIPTION OF PROJECT  
A ONE YEAR SPECIAL ASSESSMENT DISTRICT  
WITH PROJECTED COSTS AS FOLLOWS:

The project (the "Project") will consist of:

- |  |    |
|--|----|
| 1. Crack Filling (Approximately 19,000 sq.ft.) | \$ |
| 2. Administrative Cost                         | \$ |

Total

Genoa Charter Township  
Livingston County, Michigan

NOTICE OF PUBLIC HEARING  
UPON A PROPOSED ROAD IMPROVEMENT PROJECT  
AND SPECIAL ASSESSMENT DISTRICT FOR THE PROJECT

NOTICE IS HEREBY GIVEN:

(1) The Township Board of Genoa Charter Township, Livingston County, Michigan, in accordance with the laws of the State of Michigan, will hold a Public Hearing on July 20, 2009, at 6:30 p.m., at the Genoa Charter Township Offices, 2911 Dorr Road, Brighton, Michigan 48116, to review the following proposed special assessment district:

GENOA CHARTER TOWNSHIP – PINE CREEK SUBDIVISION ROAD IMPROVEMENT PROJECT  
AND SPECIAL ASSESSMENT DISTRICT (2009)  
(A One-year program with costs as follows)

and to hear any objections thereto and to the proposed project.

The project (the “Project”) will consist of:

- |  |    |
|--|----|
| 1. Crack Filling (approximately 19,000 feet) | \$ |
| 2. Administrative Cost                       | \$ |
| Total  |    |

(2) The Project is being designed to serve the properties in the Special Assessment District, which district is illustrated on the map (included) and includes the specific properties that are identified by the following permanent parcel numbers:

4711-36-101- 001 4711-36-101- 021 4711-36-101- 042 4711-36-102- 064 4711-36-102- 085 4711-36-102- 106  
4711-36-101- 002 4711-36-101- 022 4711-36-101- 043 4711-36-102- 065 4711-36-102- 086 4711-36-102- 107  
4711-36-101- 003 4711-36-101- 023 4711-36-101- 044 4711-36-102- 066 4711-36-102- 087 4711-36-102- 108  
4711-36-101- 004 4711-36-101- 024 4711-36-101- 045 4711-36-102- 067 4711-36-102- 088 4711-36-102- 109  
4711-36-101- 005 4711-36-101- 025 4711-36-101- 046 4711-36-102- 068 4711-36-102- 089 4711-36-103- 001  
4711-36-101- 006 4711-36-101- 026 4711-36-101- 047 4711-36-102- 069 4711-36-102- 090 4711-36-103- 002  
4711-36-101- 007 4711-36-101- 027 4711-36-101- 048 4711-36-102- 070 4711-36-102- 091 4711-36-103- 003  
4711-36-101- 008 4711-36-101- 028 4711-36-101- 049 4711-36-102- 071 4711-36-102- 092 4711-36-103- 004  
4711-36-101- 009 4711-36-101- 029 4711-36-101- 050 4711-36-102- 072 4711-36-102- 093 4711-36-103- 005  
4711-36-101- 010 4711-36-101- 030 4711-36-101- 051 4711-36-102- 073 4711-36-102- 094 4711-36-103- 006  
4711-36-101- 011 4711-36-101- 031 4711-36-101- 052 4711-36-102- 074 4711-36-102- 095 4711-36-103- 007  
4711-36-101- 012 4711-36-101- 032 4711-36-101- 053 4711-36-102- 075 4711-36-102- 096 4711-36-103- 008  
4711-36-101- 013 4711-36-101- 033 4711-36-101- 054 4711-36-102- 076 4711-36-102- 097 4711-36-103- 009  
4711-36-101- 014 4711-36-101- 034 4711-36-101- 055 4711-36-102- 077 4711-36-102- 098 4711-36-103- 010  
4711-36-101- 015 4711-36-101- 035 4711-36-101- 059 4711-36-102- 078 4711-36-102- 099 4711-36-103- 011  
4711-36-101- 016 4711-36-101- 036 4711-36-101- 060 4711-36-102- 079 4711-36-102- 100 4711-36-103- 012  
4711-36-101- 017 4711-36-101- 037 4711-36-101- 061 4711-36-102- 080 4711-36-102- 101 4711-36-103- 013  
4711-36-101- 018 4711-36-101- 038 4711-36-101- 062 4711-36-102- 081 4711-36-102- 102 4711-36-103- 014



(3) The Township plans to impose special assessments on the properties located in the Special Assessment District to pay for the costs of the Project.

(4) The preliminary plans and cost estimates for the proposed Project and the boundaries of the Special Assessment District are now on file in the office of the Township Clerk for public inspection. The Township Board has initiated the Project. Pursuant to the provisions of Public Act 188 of 1954, record owners of land have the right to file written objections to the Project with the Township Board and if written objections are filed by record owners of land constituting more than 20% of the land in the proposed Special Assessment District then the Township Board will not proceed with the Project unless petitions are filed in support of the Project by record owners of land constituting more than 50% of the land in the proposed Special Assessment District. Any person objecting to the proposed Project or the proposed Special Assessment District shall file an objection in writing with the Township Clerk before the close of the July 16, 2009 hearing or within such further time as the Township Board may grant.

This notice is given by order of the Genoa Township Board.

Dated: July 6, 2009

Paulette A. Skolarus  
Genoa Township Clerk

(Press/Argus 07/10/09)

[ADD MAP OF SPECIAL ASSESSMENT DISTRICT]

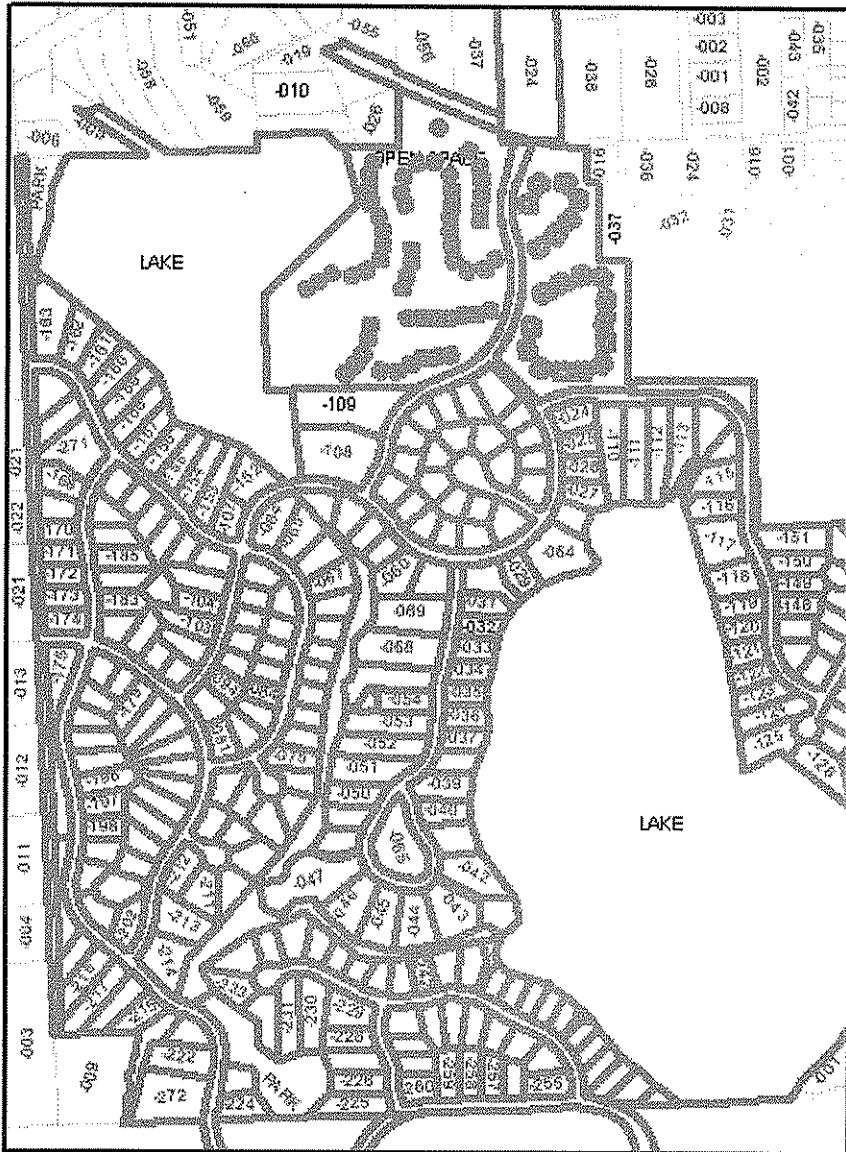


EXHIBIT C

AFFIDAVIT OF MAILING

STATE OF MICHIGAN            )  
  )  
COUNTY OF LIVINGSTON)

PAULETTE A. SKOLARUS, being first duly sworn, deposes and says that she personally prepared for mailing, and did on July 7, 2009, send by first-class mail, the notice of hearing, a true copy of which is attached hereto, to each record owner of or party in interest in all property to be assessed for the improvement described therein, as shown on the last local tax assessment records of the Township of Genoa; that she personally compared the address on each envelope against the list of property owners as shown on the current tax assessment rolls of the Township; that each envelope contained therein such notice and was securely sealed with postage fully prepaid for first-class mail delivery and plainly addressed; and that she personally placed all of such envelopes in a United States Post Office receptacle on the above date.

Paulette A. Skolarus  
Genoa Charter Township Clerk

Subscribed and sworn to before me

This     day of                   , 2009.

Notary Public

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER TOWNSHIP OF GENOA, BEING ORDINANCE NO. \_\_\_\_\_ OF CHARTER TOWNSHIP OF GENOA, BY AMENDING ARTICLE 11 OF SAID CODE.**

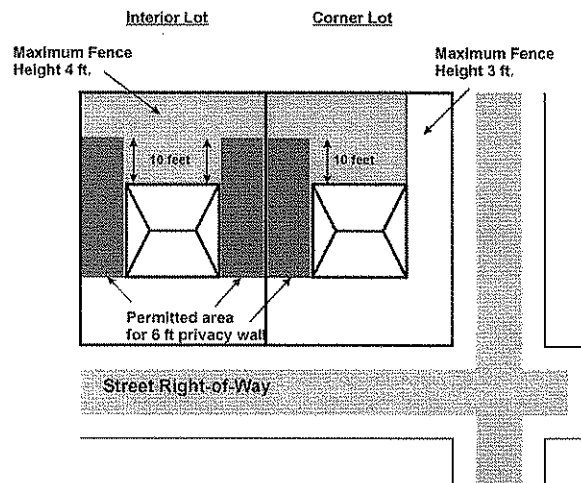
**THE CHARTER TOWNSHIP OF GENOA ORDAINS:**

SECTION 1. Article 11 of the Zoning Ordinance contained in the Ordinance Code of the CHARTER TOWNSHIP OF GENOA, Michigan, is hereby amended by amending section 11.04.04 to read as follows:

**Section 11.04.04. Fences, Walls and Screens**

- (a) Unless specifically authorized elsewhere in this Ordinance, fences, walls or screens located within the front yard in any residential zoning district or the rear waterfront yard of waterfront lots shall not exceed three (3) feet in height, or be in excess of forty nine percent (49%) solid or impervious.
- (b) Chain link fences shall not be erected in any front yard within a residential district, unless enclosing a retention pond that has been approved by the Planning Commission. ~~Fences shall not be permitted in the required waterfront yard.~~
- (c) Unless specifically authorized elsewhere in this Ordinance, fences, walls or screens located within the required side yard or required rear yard in any zoning district shall not exceed a height of four (4) feet, except the Zoning Administrator may approve the following: (see Figure 11.04.04)

- (1) A privacy fence or wall up to six (6) feet high within the required side yard provided the wall does not extend beyond the front building line or more than ten (10) feet beyond the rear building line;



- (2) A six (6) foot high dog run or pet enclosure enclosing a maximum of twenty percent (20%) of the rear yard or two hundred (200) square feet maximum area within the rear yard;

- (3) A six (6) foot high fence to enclose livestock in an Agricultural or County Estate District, which may include barbed wire;



- (4) An eight (8) foot high security fence of a permitted essential public service building, essential public service storage yard, towers, commercial use or industrial use, which may also include a maximum of one (1) additional foot of barb wire.
- (d) Fences, walls or screens shall not be erected within any public right-of-way or maintained in such a way as to obstruct the vision of motorists exiting driveways or within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.
- (e) The use of electric current or charge on any fence or part thereof is prohibited, except for low voltage fences in the Agricultural and Country Estate Residential District, intended to enclose permitted livestock, or electronic fences buried beneath the ground.

SECTION 2. SEVERABILITY

If any provision of this Ordinance is found to be invalid, than the remaining portions of this Ordinance shall remain enforceable.

SECTION 3. EFFECTIVE DATE

This Ordinance shall take effect seven (7) days following the date of its publication.

On the question: "SHALL THIS ORDINANCE NOW PASS?" the following vote was recorded:

Yeas:

Nays:

I hereby approve the adoption of the foregoing Ordinance this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Paulette Skolarus  
Township Clerk

\_\_\_\_\_  
Gary McCririe  
Township Supervisor

## 6-08-09 PC Unapproved Minutes

provide screening, but there is also an issue of 24 hour access. The north side display areas are not screened.

There is a concern about truck maneuvering on the east side of the building, as well as pedestrian circulation. There is also some concern about the decrease in parking caused by the displays. The sketch plan does not address lighting, either.

Jim Mortensen discusses his concerns about approving un-screened displays. He feels it is problematic to set this precedent. Chairman Brown discusses the problems involved with not having a site plan to present to the Commission. He suggests that the petitioner review how Home Depot provided screening for their displays. Additionally, with the impending Latson Road improvements, a plan would be necessary for future screening.

Kelly VanMarter addresses the Commission regarding the Township Engineer's letter dated June 3, 2009.

Chairman Brown outlines various other concerns he has regarding the petition. He would like garbage cans/dumpsters addressed in the plan. He also feels screening is necessary to help fend off vandalism.

Jim Mortensen indicates that the screening should be at the same standard as the screening around the outdoor garden center.

John McManus discussed how important it is for plans to be submitted in order for the members to have a better idea of areas and scales.

Petitioner requests to table this petition.

### **Planning Commission disposition of petition**

- A. Recommendation regarding special use application.
- B. Recommendation regarding impact assessment.
- C. Recommendation regarding sketch plan.

**Motion** by Jim Mortensen to table this item at the request of the petitioner. Support by Barbara Figurski. **Motion carried unanimously.**

### **OPEN PUBLIC HEARING #2...Review of amendment to Zoning Ordinance Article 11.**

Chairman Brown discusses the memo by Adam VanTassell regarding the Waterfront Fence Ordinance Proposal. It is proposed that there be an amendment to allow fencing on waterfront property.

Barbara Figurski indicates that fences could be detrimental to lakefront owners and their neighbors.

Sara Schillinger of LSL indicates that the fencing must be 50% opaque and therefore, only decorative fences would be appropriate. She indicates that waterfront fences are typically prohibited in other communities.

The intent is that the fence be 50% opaque and no higher than 3'.

Sharon and Bill Bostock, 1330 Elmhurst addressed the Commission. They oppose the current ordinance. They live next door to a home with a 4' fence that runs to the water. It has impeded

their view, given the shape of their lot and the surrounding lots. The permit for that fence was issued erroneously by the Township.

Tara and Kelly Phillips, 1206 Chemung Drive addressed the Commission. They believe that the ordinance should be permitted. They live at the home that has just erected the 4' fence. She believes it has not affected visibility.

Diana Rencsak, 1106 Chemung Drive and 2966 Oak Meadows addressed the Commission. She is a real estate agent and believes that the fence will negatively affect the property value of the Bosticks.

Terry Haskins, 944 Menominee addressed the Commission. He objects to the fencing being erected to the lake due to the physical layouts of the lots. He asks if there are no post-erection inspections being done on fences now, who would inspect the permitted fencing to make sure it's built to the standards allowed.

Mary Hough, 791 Sunrise Park and Charles Jones, 959 Sunrise Park addressed the Commission. Ms. Hough feels that the Township should not change the ordinance merely to fix a mistake made by the Township. She indicates that the fence that has been erected by the Phillips' would be objectionable to her, as well.

Dean Tengel feels fences should not be permitted and the current ordinance should be enforced. John McManus agrees. Barbara Figurski feels the same.

**Motion** by Barbara Figurski that a recommendation be made to the Township Board against the proposed ordinance change. Support by Dean Tengel. **Motion carried unanimously.**

#### **Planning Commission disposition of petition**

- A. Recommendation regarding amendment to Zoning Ordinance.

#### **Administrative Business:**

- *Planners report presented by LSL Planners. There is no report.*
- *Approval of May 11<sup>th</sup>, 2009 Planning Commission meeting minutes. **Motion** by Barbara Figurski to approve the minutes as submitted. Support by Diana Lowe. **Motion carried unanimously.***
- *Member Discussion. Chairman Brown addresses the changes in the Planning Enabling Act.*

Adjournment. **Motion** by Barbara Figurski and support by Dean Tengel, the meeting was adjourned at 8:00 p.m. **Motion carried unanimously.**

**The Heikkinen Law Firm, P.C.**

110 North Michigan Avenue  
Howell, Michigan 48843

Richard A. Heikkinen

(517) 546-1434  
Fax: (517) 546-6775

June 19, 2009

Mr. & Mrs. William Bostock  
1330 Elmhurst Drive  
Howell, Michigan 48843

Dear Mr. & Mrs. Bostock:

The Township is in receipt of your request for reimbursement of attorney fees. We will bring this matter to the attention of the Township Board.

I note that your request is for \$1,500.00. It seems to me that your attorney did not spend 7.5 hours of time on this issue.

In your request I note that you seem to claim that the Township is responsible for your decision to hire an attorney. The Township makes it a practice not to give legal advice, and it only advises residents to hire their own attorney to protect their interests. Perhaps, if you had waited for the process to be worked out between the Township and your neighbor, you would not have hired an attorney. Regardless, you will need your attorney to work out your lake access issue. The question of the width of your usage of the area when water has receded is a private matter not involving the Township.

Very truly yours,

THE HEIKKINEN LAW FIRM, P.C.

Richard A. Heikkinen

RAH/nb

cc: Michael Archinal, Township Manager



Charitable Gaming Division  
 Box 30023, Lansing, MI 48909  
 OVERNIGHT DELIVERY:  
 101 E. Hillsdale, Lansing MI 48933  
 (517) 335-5780  
 www.michigan.gov/cg

**LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES**  
 (Required by MCL 432.103(9))

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by \_\_\_\_\_ on \_\_\_\_\_  
DATE

at \_\_\_\_\_ a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from Livingston Land Conservancy of Genoa Twp.  
NAME OF ORGANIZATION CITY

county of Livingston, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for \_\_\_\_\_  
APPROVAL/DISAPPROVAL

APPROVAL	DISAPPROVAL
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL  
 meeting held on \_\_\_\_\_  
DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

\_\_\_\_\_  
PRINTED NAME AND TITLE

\_\_\_\_\_  
ADDRESS

COMPLETION: Required.  
 PENALTY: Possible denial of application.  
 BSL-CG-1153(R10/06)

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: FEB 01 2006

LIVINGSTON LAND CONSERVANCY INC  
PO BOX 236  
BRIGHTON, MI 48116-0236

Employer Identification Number:  
38-3586775  
DLN:  
17053358732045  
Contact Person: DEL TRIMBLE ID# 31309  
Contact Telephone Number:  
(877) 829-5500  
Public Charity Status:  
170(b)(1)(A)(vi)

Dear Applicant:

Our letter dated August 2001, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity, rather than as a private foundation, during an advance ruling period.

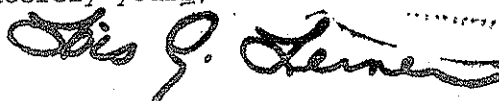
Based on the information you submitted, you are classified as a public charity under the Code section listed in the heading of this letter. Since your exempt status was not under consideration, you continue to be classified as an organization exempt from Federal income tax under section 501(c)(3) of the Code.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3676. Information is also available on our Internet Web Site at [www.irs.gov](http://www.irs.gov).

If you have general questions about exempt organizations, please call our toll-free number shown in the heading.

Please keep this letter in your permanent records.

Sincerely yours,



Lois G. Lerner  
Director, Exempt Organizations  
Rulings and Agreements

Letter 1050 (DO/CG)

FEB 2006  
Rec'd

**MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES  
CORPORATION, SECURITIES AND LAND DEVELOPMENT BUREAU**

Date Received

**(FOR BUREAU USE ONLY)**

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

Name

Kenneth E. Burchfield, Attorney at Law

Address

225 E. Grand River, Suite 203

City

Brighton

State

MI

Zip Code

48116

EFFECTIVE DATE:

Document will be returned to the name and address you enter above. If left blank document will be mailed to the registered office.

EIN 38-3586775

**ARTICLES OF INCORPORATION**  
**For use by Domestic Nonprofit Corporations**  
(Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

**ARTICLE I**

The name of the corporation is:

Livingston Land Conservancy, Inc.

**ARTICLE II**

The purpose or purposes for which the corporation is organized are: To preserve and protect undeveloped lands for the benefit of the public through the acquisition by gift or purchase of land or conservation easements; to promote the permanent preservation of the land, wildlife habitat and native plant growth; to restrict harmful uses or development; to provide educational and scientific study for the general public concerning the soil, wildlife habitat and native plant species conserved and protected upon those lands.

**ARTICLE III**

1. The corporation is organized upon a Nonstock basis.  
(Stock or Nonstock)
2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is \_\_\_\_\_ . If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:

Use space below for additional Articles or for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

ARTICLE VI

No part of the net earnings of the corporation shall inure to the benefit of, or be distributed to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article II, set forth above.

ARTICLE VII

No substantial part of the activities of the corporation shall be the carrying on of propagand or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing of distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these Articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

ARTICLE VIII

Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of, shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or such organizations or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE IX

See attached.

I, (We), the incorporator(s) sign my (our) name(s) this 21 day of February, 192001.

Sara E. Thomas  
Sara E. Thomas

Ronald M. Kelly  
Ronald M. Kelly

Lori L. Kassuba  
Lori L. Kassuba