

**GENOA CHARTER TOWNSHIP  
BOARD OF TRUSTEES  
REGULAR MEETING  
AUGUST 20, 2012  
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: August 6, 2012.

**Approval of Regular Agenda:**

3. Township Audit by Pheffer, Hanniford and Palka.
  - A. Presentation and review of the audit for fiscal year ending March 31, 2012 by Ken Palka.
  - B. Request for approval to receive the Audit for the fiscal year ending March 31, 2012 of Township Funds.
4. Request for approval of amendment to the Township Litter Ordinance No. 120820.
  - A. Call to the public
  - B. Disposition of litter ordinance
5. Request for approval of an entertainment permit related to an existing Class C liquor license located at 3949 E. Grand River Ave., Howell, MI requested by Applebee's Restaurants Mid-Atlantic, LLC.
6. Request for approval of Resolution #1 to Proceed with the Red Oaks Road Improvement Project and Direct Preparation of the Plans and Cost Estimates.
7. Request for approval of Resolution #2 to Approve the Red Oaks Road Improvement Project and Scheduling the First Hearing for September 4<sup>th</sup>, 2012 at 6:30 p.m. and Directing the Issuance of Statutory Notices.

Correspondence

Member Discussion

Adjournment

CHECK REGISTERS FOR TOWNSHIP BOARD MEETING

DATE: August 20, 2012

TOWNSHIP GENERAL EXPENSES: Thru August 20, 2012	\$150,859.11
August 17, 2012 Bi Weekly Payroll	\$72,013.73
OPERATING EXPENSES: Thru August 20, 2012	\$80,217.30
TOTAL:	<u>\$303,090.14</u>

<u>Check Number</u>	<u>Vendor No</u>	<u>Vendor Name</u>	<u>Check Date</u>	<u>Check Amount</u>
28796	Brazin	Jack Brazin	07/27/2012	100.00
28797	Adamski	Janet Adamski	08/07/2012	275.00
28798	assenma	Robert Assenmacher	08/07/2012	275.00
28799	ASSENMAC	Diane G. Assenmacher	08/07/2012	275.00
28800	BATTIATA	Nancy Battiata	08/07/2012	200.00
28801	Bhavsar	Janice Bhavsar	08/07/2012	200.00
28802	BillelCl	Clementine Billel	08/07/2012	200.00
28803	Binder	Donald Binder	08/07/2012	200.00
28804	BODALSKI	Mary Lynn Bodalski	08/07/2012	267.50
28805	BodalskR	Richard Bodalski	08/07/2012	200.00
28806	BrazinJo	Joseph Brazin	08/07/2012	100.00
28807	Brender	Karen Brender	08/07/2012	200.00
28808	Brenna	Deborah Brennan	08/07/2012	200.00
28809	BRENNAN	Ann Brennan	08/07/2012	275.00
28810	BURGNER	Mary Burgner	08/07/2012	275.00
28811	Chilson	Chilson Hills Baptist Church	08/07/2012	200.00
28812	ChurchNa	Church of the Nazarene	08/07/2012	200.00
28813	Clarke	Jane Clarke	08/07/2012	200.00
28814	CLEARYUN	Cleary University	08/07/2012	200.00
28815	COLLINS	Shawn Collins	08/07/2012	275.00
28816	COMM BIB	Community Bible Church	08/07/2012	200.00
28817	CONRICH	Mary Conricode	08/07/2012	200.00
28818	DavisS	Shelagh Davis	08/07/2012	200.00
28819	DespotW	William Despot	08/07/2012	200.00
28820	Doucette	Louis Doucette	08/07/2012	200.00
28821	FRASHEC	Cheryl Frasheski	08/07/2012	200.00
28822	FRASHEK	Kenneth Frasheski	08/07/2012	200.00
28823	Gammon	Debra Gammon	08/07/2012	200.00
28824	Gogolin	Michael Gogolin	08/07/2012	200.00
28825	Goodall	Diane Goodall	08/07/2012	250.00
28826	Granet	Marlene Granet	08/07/2012	200.00
28827	GUERR	Marie Guerriero	08/07/2012	200.00
28828	Guerrier	Charles Guerriero	08/07/2012	200.00
28829	Hornung	Hornung Elementary School	08/07/2012	200.00
28830	HYSEN	Theodore Hysen	08/07/2012	200.00
28831	JETS PIZ	JETS PIZZA	08/07/2012	335.32
28832	JonesC	Constance Jones	08/07/2012	200.00
28833	Kelloggs	Sarah Kellogg	08/07/2012	200.00
28834	KIRSCH H	Hilda Kirsch	08/07/2012	200.00
28835	Kolinsk	Miriam Kolinski	08/07/2012	217.50
28836	Kolinski	Tom Kolinski	08/07/2012	217.50
28837	LarsonR	Richard Larson	08/07/2012	200.00
28838	Lazzari	Mary Ann Lazzari	08/07/2012	200.00
28839	Lewis	Barbara Lewis	08/07/2012	275.00
28840	Lind	Tammy Lindberg	08/07/2012	250.00
28841	Lizak	Jean Lizak	08/07/2012	200.00
28842	LIZAKSTE	Steve Lizak	08/07/2012	200.00
28843	Lollo K	Kelly Lollo	08/07/2012	546.88
28844	MateviaG	Gerald Matevia	08/07/2012	275.00
28845	MateviaJ	Joyce Matevia	08/07/2012	275.00
28846	McCauley	Jennifer McCauley	08/07/2012	275.00
28847	McClure	Cecelia McClure	08/07/2012	267.50
28848	MORRISON	Carolyn Morrison	08/07/2012	200.00
28849	Nagy	Joseph Nagy	08/07/2012	200.00
28850	NelsonD	Donna Nelson	08/07/2012	275.00
28851	OBrien	Thomas O'Brien	08/07/2012	200.00
28852	Poppy	Kathryn Shreyer-Poppy	08/07/2012	275.00
28853	Quattro	Terry Quattro	08/07/2012	200.00
28854	RIGGS	Ann Riggs	08/07/2012	275.00
28855	ristoj	Ioni L. Risto	08/07/2012	200.00
28856	RYNICKE	Antoinette Rynicke	08/07/2012	200.00
28857	Sapienza	Kristen Renee Sapienza	08/07/2012	250.00

<u>Check Number</u>	<u>Vendor No</u>	<u>Vendor Name</u>	<u>Check Date</u>	<u>Check Amount</u>
28858	SapienzP	Paul Sapienza Jr.	08/07/2012	250.00
28859	Saunders	John Saunders	08/07/2012	275.00
28860	Schelosk	Mary Scheloske	08/07/2012	200.00
28861	Sebastia	Paul Sebastian	08/07/2012	200.00
28862	SHAFER K	Karleen Shafer	08/07/2012	200.00
28863	Sitnar	Susan Sitner	08/07/2012	86.47
28864	Smyth	Allen Smyth	08/07/2012	200.00
28865	SmythM	Marilynn Smyth	08/07/2012	200.00
28866	STEELE	Bonnie Steele	08/07/2012	200.00
28867	Sterzing	Darrel Sterzinger	08/07/2012	250.00
28868	StGermaM	Marie St. Germain	08/07/2012	200.00
28869	StGerMau	Maurice St. Germain	08/07/2012	200.00
28870	StGerMic	Michael St Germain	08/07/2012	267.50
28871	SwihartE	Eva C. Swihart	08/07/2012	275.00
28872	SwihartW	William D. Swihart	08/07/2012	200.00
28873	Three Fi	Three Fires Elementary School	08/07/2012	200.00
28874	Vettrain	John Vettraino	08/07/2012	200.00
28875	Wisser	Kathleen Wisser	08/07/2012	275.00
28876	WisserJa	Jake Wisser	08/07/2012	200.00
28877	WisserKe	Kelsey Wisser	08/07/2012	200.00
28878	Withorn	Margaret Withorn	08/07/2012	200.00
28879	Woody	Frank Woody	08/07/2012	200.00
28880	WoodyPr	Prudence Woody	08/07/2012	200.00
28881	AmerAqua	American Aqua	08/07/2012	128.75
28882	B S & A	B S & A Software, Inc.	08/07/2012	4,340.00
28883	BRIGFORD	Brighton Ford- Mercury, Inc.	08/07/2012	32.41
28884	CONTINEN	Continental Linen Service	08/07/2012	92.29
28885	DTE LAKE	DTE Energy	08/07/2012	1,308.59
28886	Duncan	Duncan Disposal Systems	08/07/2012	77,440.60
28887	ETNA SUP	Etna Supply Company	08/07/2012	2,250.00
28888	GANNETT	Livingston Press & Argus	08/07/2012	1,240.00
28889	GENOADPW	Genoa Township DPW Fund	08/07/2012	282.25
28890	IBEC COM	IBEC, Inc.	08/07/2012	150.00
28891	LANGWORT	Langworthy Strader Leblanc	08/07/2012	1,168.75
28892	LivCTrea	Livingston County Treasurer	08/07/2012	1,118.11
28893	MASTER M	Master Media Supply	08/07/2012	470.26
28894	MI MUNIC	Michigan Municipal League	08/07/2012	24.00
28895	Net serv	Network Services Group, L.L.C.	08/07/2012	45.00
28896	Perfect	Perfect Maintenance Cleaning	08/07/2012	1,731.07
28897	PFEFFER	Pfeffer, Hanniford, Palka	08/07/2012	6,100.00
28898	PRINTING	PRINTING SYSTEMS	08/07/2012	1,280.18
28899	ROCKET	Rocket Enterprise Inc	08/07/2012	1,495.00
28900	SCODELLE	Scodeller Construction	08/07/2012	16,100.00
28901	Tetra Te	Tetra Tech Inc	08/07/2012	2,345.00
28902	TRI COUN	Tri County Cleaning Supply Inc	08/07/2012	468.52
28903	ASSENMAC	Diane G. Assenmacher	08/09/2012	10.00
28904	BODALSKI	Mary Lynn Bodalski	08/09/2012	43.75
28905	GreenOak	Green Oak Twp Treasurer's Ofc	08/09/2012	11.00
28906	KernScot	Scott Kern	08/09/2012	50.00
28907	Lind Bry	Bryan Lindberg	08/09/2012	112.50
28908	LINDHOUT	Lindhout Associates Architects	08/09/2012	1,515.00
28909	Lollo K	Kelly Lollo	08/09/2012	31.25
28910	Mcclure	Cecelia McClure	08/09/2012	43.75
28911	McDowell	Anabel McDowell	08/09/2012	162.00
28912	NelsonD	Donna Nelson	08/09/2012	10.00
28913	Sitnar	Susan Sitner	08/09/2012	94.00
28914	SKOLAR P	Paulette Skolarus	08/09/2012	39.00
28915	StGerMic	Michael St Germain	08/09/2012	10.00
28916	SwihartE	Eva C. Swihart	08/09/2012	10.00
28917	Equitabl	Equivest Unit Annuity Lock Box	08/17/2012	705.00
28918	COOPERST	Cooper's Turf Management LLC	08/10/2012	2,686.00
28919	FONSON	Fonson, Inc.	08/10/2012	6,700.00

Genoa Charter Township  
User: angie

Accounts Payable  
Checks by Date - Summary by Check Number

Printed: 08/13/2012 14:47  
Summary

<u>Check Number</u>	<u>Vendor No</u>	<u>Vendor Name</u>	<u>Check Date</u>	<u>Check Amount</u>
28920	PETTYCAS	Petty Cash	08/13/2012	158.91
<b>Report Total:</b>				<b>150,859.11</b>

Accounts Payable  
Computer Check Register

**Genoa Township**

2911 Dorr Road  
Brighton, MI 48116

(810) 227-5225

User: diane

Printed: 08/10/2012 - 13:06

Bank Account: 101CH

Check	Vendor No	Vendor Name	Date	Invoice No	Amount
10926	AETNA LI	Aetna Life Insurance & Annuity	08/17/2012		25.00
				Check 10926 Total:	25.00
10927	EFT-FED	EFT- Federal Payroll Tax	08/17/2012		7,296.06 2,859.72 4,221.50 987.27 987.27
				Check 10927 Total:	16,351.82
10928	EFT-PENS	EFT- Payroll Pens Ln Pyts	08/17/2012		1,424.25
				Check 10928 Total:	1,424.25
10929	EFT-TASC	EFT-Flex Spending	08/17/2012		930.76
				Check 10929 Total:	930.76
28917	Equitabl	Equivest Unit Annuity Lock Box	08/17/2012		705.00
				Check 28917 Total:	705.00
10930	FIRST NA	First National Bank	08/17/2012		300.00 2,720.00 49,556.90

Check 10930 Total:

52,576.90

Report Total:

72,013.73

**First National  
Direct Deposit  
AUGUST 17, 2012  
Bi-Weekly Payroll**

<u>Employee Name</u>	<u>Debit Amount</u>	<u>Credit Amount</u>
<b>Genoa Township</b>	<b>\$52,576.90</b>	
Aaron Korpela		\$1,123.44
Adam Van Tassell		\$1,236.49
Alex Chimpouras		\$1,965.67
Amy Ruthig		\$1,009.12
Angela Williams		\$993.03
Caitlin Nims		\$1,038.40
Carol Hanus		\$1,242.62
Craig Bunkoske		\$1,633.66
Dakota Olvin		\$766.00
Daniel Schlack		\$1,237.26
Dave Estrada		\$1,474.31
David Miller		\$1,949.95
Deborah Rojewski		\$1,612.06
Diane Zerby		\$433.81
Duane Chatterson		\$1,655.41
Erin Daksiewicz		\$1,031.07
Greg Tatara		\$2,531.26
Jacob Mitchell		\$832.14
James Aulette		\$1,404.53
Jeffrey Meyers		\$1,189.79
Jenifer Kern		\$638.54
Jonathan Morton		\$1,003.32
Judith Smith		\$1,218.57
Karen J. Saari		\$994.64
Kelly VanMarter		\$2,085.95
Kimberly MacLeod		\$1,120.77
Kristen Sapienza		\$588.67
Kyle Mitchell		\$1,116.69
Laura Mroccka		\$1,714.50
Martin Reich		\$1,609.71
Matthew Hunt		\$802.73
Michael Archinal		\$2,973.79
Renee Gray		\$1,061.11
Robin Hunt		\$1,373.06
Scott Lowe		\$1,310.44
Steven Anderson		\$1,741.94
Susan Sitner		\$1,184.90
Tammy Lindberg		\$1,060.35
Tesha Humphriss		\$1,919.82
Zakkery Olvin		\$697.38
<b>Total Deposit</b>		<b><u><u>\$52,576.90</u></u></b>



2:29 PM

**#595 PINE CREEK W/S FUND****Payment of Bills**

August 1 - 13, 2012

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Check	08/09/2012	2095	Pfeffer, Hanniford & Palka	Audit ending March 31, 2012	-750.00
<b>Total</b>					<b>-750.00</b>

2:37 PM

**#593 LAKE EDGEWOOD W/S FUND****Payment of Bills**

August 1 - 13, 2012

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Check	08/10/2012	2205	Brighton Analytical L.L.C.	July 2012 invoices	-231.00
Check	08/10/2012	2206	DTE Energy	Service from June 29 - July 31, 2012	-4,271.20
Check	08/10/2012	2207	GENOA TWP-DPW FUND	Maintenance/billing fees August 2012	-25,822.82
Check	08/10/2012	2208	Genoa/Oceola Sewer Authority	Direct Disposal Costs June 2012 Inv 120	-1,650.00
Check	08/10/2012	2209	GRUNDY ACE OF HOWELL	Inv # 72584	-38.76
Check	08/10/2012	2210	Pfeffer, Hanniford & Palka	Audit period ending March 31, 2012	-400.00
Check	08/10/2012	2211	PVS NOLWOOD CHEMICALS, INC	Inv 376832 & Credit Memo 105248	-962.00
Check	08/10/2012	2212	SECURITY LOCK SERVICE, INC.	Inv Q5245	-120.25
Check	08/10/2012	2213	Tetra Tech GEO	Inv # 50576383	-5,874.47
<b>Total</b>					<b>-39,370.50</b>

**#503 DPW UTILITY FUND****Payment of Bills**

August 1 - 13, 2012

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Check	08/09/2012	2169	Clearwater Systems	Inv 75785	-55.50
Check	08/09/2012	2170	Grundy Ace of Howell	May and June 2012 invoices	-32.44
Check	08/09/2012	2171	LAHRA	Kim MacLeod - LAHRA Field Trip	-25.00
Check	08/09/2012	2172	NORTHWEST PIPE & SUPPLY	Inv 115197 & 115205	-230.91
Check	08/09/2012	2173	PAETEC	Acct 2119355	-36.67
Check	08/09/2012	2174	Pfeffer-Hanniford-Palka	Audit ended 3/31/2012	-450.00
Check	08/09/2012	2175	Tractor Supply Co.	Acct 6035 3012 0324 0252	-895.85
Check	08/09/2012	2176	USABlueBook	Inv 720023	-211.18
Check	08/09/2012	2177	Victory Lane Quick Oil Change	Inv 22140	-40.97
<b>Total</b>					<b>-1,978.52</b>

## #592 OAK POINTE WATER/SEWER FUND

## Payment of Bills

August 1 - 13, 2012

Type	Date	Num	Name	Memo	Amount
Check	08/10/2012	2444	Pfeffer, Hanniford & Palka	Audit ending 3/31/2112	-500.00
Check	08/10/2012	2445	FONSON, INC.	Numerous invoices	-3,204.45
Check	08/10/2012	2446	NORTHWEST PIPE AND SUPPLY, INC.	Numerous invoices June 2012	-2,084.85
Check	08/10/2012	2447	PVS Nolwood Chemicals, Inc	Inv 374509, Credits 105348 & 104851	-717.00
Check	08/10/2012	2448	USA Bluebook	Inv #'s 720357 & 713232	-785.22
Check	08/10/2012	2449	EJ USA, Inc.	Inv #'s 3506511 & 3506515	-5,505.84
Check	08/10/2012	2450	BRIGHTON ANALYTICAL, LLC	July 2012 invoices	-402.00
Check	08/10/2012	2451	CONSUMERS ENERGY	Billing from 6/29/12 - 7/30/12	-60.35
Check	08/10/2012	2452	DTE ENERGY	Service from June 29 - July 31, 2012	-12,027.97
Check	08/10/2012	2453	The Sign Works, Inc.	Inv 31771	-250.00
Check	08/10/2012	2454	ALEXANDER CHEMICAL CORPORATION	Inv 477545-IN	-1,861.95
Check	08/10/2012	2455	LIVINGSTON COUNTY DRAIN COMMISS	Inv 2247	-1,521.10
Check	08/10/2012	2456	FASTENAL	Inv MIBRG66841	-105.01
Check	08/10/2012	2457	STANDARD ELECTRIC	Inv 1727801-01	-563.36
Check	08/10/2012	2458	Utilities Instrumentation Service	Inv 530339595	-283.20
Check	08/10/2012	2459	Complete Battery Source	Inv 262435BRI	-72.91
Check	08/10/2012	2460	K & J Electric, INC	Inv 5847	-175.00
Check	08/10/2012	2461	HACH Company	Inv 7863773	-351.80
Check	08/10/2012	2462	Tetra Tech GEO	Inv # 50576382	-7,587.27
Check	08/10/2012	2463	Christian Lastoskie	Reimbursement to homeowner	-59.00
				<b>Total</b>	<b>-38,118.28</b>

## GENOA CHARTER TOWNSHIP BOARD

Regular Meeting

August 6, 2012

### 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, Steve Wildman, Jim Mortensen, Todd Smith and Jean Ledford. Also present were Township Manager Michael Archinal; Township Attorney Frank Mancuso and sixty persons in the audience.

McCririe – There are many people here from the Mystic Lake area. We have not scheduled a public hearing this evening but are willing to hear your concerns. The Township has not yet received any petitions from residents of Mystic Lake and the two adjoining subdivisions. A preliminary meeting has been scheduled for Sept. 19, 2012 at 6:30 p.m. at the township hall to discuss a possible special assessment district for the repaving of those subdivisions. Should homeowners be successful in acquiring the necessary number of signatures, two public hearings will be held and all residents within the district will be notified by mail. At that time homeowners may voice their objection to the project.

A Call to the Public was made with the following response: William Taylor – A twenty year bond would be favorable. This is not a radical change from what was done in the past and it might put people back to work.

Karen Johnson – I would like the names of homeowners involved with this petition. McCririe – We have not received any petitions at this time.

Barry Davis – Repaving will increase personal safety. It is unsafe to walk on Mountain Road. The value of our homes is going downhill and crime will come into our neighborhood.

Jim Mitte – I am concerned with funding. An assessment of \$2,000.00 annually would be a hardship. We should look to the county for funding. Mortensen - The National Petroleum Institute compared taxes across 50 states and Michigan is the 5<sup>th</sup> highest taxing state in the country. McCririe – The County will do the engineering for this project but we do not expect any financial contribution.

Phil Magee – The road should be done to County Specs and should be maintained. I don't want to have to pay for this new road. McCririe – The County takes care of our primary roads, however, their revenue is strictly from gas taxes and vehicle registration fees.

Floyd Oldford – Look into concrete. It is cheaper today than asphalt. McCririe – We will consider everything. The L.C.R.C. bids per ton of asphalt.

Karen Dempsey – Our road has been destroyed by people traveling into Hamburg. Prairie View, after just a few years, is being destroyed. They will add an additional 47 homes in Hamburg and they will use our streets. We have lost our privacy with people driving through. I disagree with paying for roads.

Scott Braver -We have road problems in the winter. Roads should be plowed before the snow is beaten down.

Kathy Reichart - The quality of the maintenance work is a problem. I am also concerned with the cut-thru traffic. Pot holes are not being fixed. Can our road be temporarily closed down? What about speed bumps? McCririe – For safety reasons, the fire department will not allow the closing of these roads. Prairie View asked for speed bumps. Sometimes they work and sometimes they don't. It is a road commission decision.

Resident - Does Genoa Township have anything to say about development in reference to Copperleaf? McCririe – Copperleaf was supposed to be a gated community. They chose to develop with private roads. Their access road was to a public road – e.g. Eggert. Every property must have access to a public road. A developer first brings their petition to the Planning commission and then to the township board for final approval. The township may set standards for development but they may not deny a petition if they meet the zoning requirements.

Rona Szydzik- I have an issue with financing and am against the project. Our roads are accessible. Washakie is already deteriorating. Copperleaf dumps their snow in my yard. Ice needs to be addressed. There is no stop sign coming out of Copperleaf.

Mark Javit – What is our recourse for getting regular maintenance? McCririe – Contact the Livingston County Road Commission. They are in charge of roads.

Gerald McNew – Why is the cost divided equally rather than on a front footage? McCririe – Act 188 allows for development with costs divided on a benefit basis. This is the act we are working with for most projects within the township.

Barry Davis – I have given up all hope of dealing with the L.C.R.C. The quality of their service is inadequate.

Phil Magee – Maybe we need a township wide millage. McCririe – One mill would generate about \$900,000.00 per year. The township actually collects less than that in your taxes. That one mill would not cover the cost of reconstructing just your sub.

The call to the public was closed at 7:50 p.m.

**Approval of Consent Agenda:**

Moved by Smith and supported by Wildman to approve all items listed under the consent agenda as presented. The motion carried unanimously.

**1. Payment of Bills.**

## **2. Request to approve minutes: July 19, 2012.**

### **Approval of Regular Agenda:**

Moved by Hunt and supported by Smith to approve for action all items petitioned under the regular agenda. The motion carried unanimously.

## **3. Discussion and possible action regarding subdivision road improvement financing.**

Archinal - Over the last few weeks we have discussed two issues related to subdivision road improvement special assessments. The first is the Township Board policy of general fund participation when 66% of the affected properties sign a petition. The second is the issuance of debt to finance road projects.

On June 18<sup>th</sup> the Board took the following action: *The township subdivision road policy was reviewed with regard to the establishment of a special assessment district for Red Oaks. It was the consensus of the board to consider the petitions from Red Oaks at such time as 51% of the homeowners within the district sign the petition. No further action was taken by the board.*

As of this date we have received petitions in support of the Red Oaks subdivision road improvement meeting the, “greater than 50%” threshold. I would suggest that when petitions are circulated they must include a total project cost and a pro-rata cost. When we prepare the petitions we had to assume that the Township would assist in the funding. If someone signed the petition they are expecting Township participation. Generally when a subdivision reaches the necessary 50% + they gravitate towards the 66% threshold. This is somewhat intuitive. They want the Township’s money. In this case it is unlikely that the additional signatures will be forthcoming. One confounding issue is that a number of the properties are bank owned. If you apply the current policy you make everybody angry. The people who signed and expected Township participation are mad because the project is going to cost a lot more and the people who were opposed are angry because they didn’t want the project to begin with.

We have had several meetings with residents from Mystic Lake and Mountain subdivision with regard to road conditions. These roads are over 30 years old and design solutions are significant. The project includes 3.2 miles of road and a construction cost between \$960,000.00 and \$1,400,000.00. Given the scope of the Mystic and Red Oaks projects I am asking the board to consider the concept of going to the bond market to provide the up-front capital.

Mortensen - This is a big philosophical change for the township.

Skolarus - There is not another township in Livingston County that supports our residents with the reconstruction of our roads as we do in Genoa Township. The 25% of cost or \$1,000.00 per residence is unheard of. I do not want to place the township in debt for the next 20 years with regard to these projects. It is my suggestion that we pay the township portion up front as we

have in the past.

McCririe - I would remind everyone that the Latson Road Interchange is costing the county multi-millions of dollars in support.

Archinal - the Township has issued debt for road improvements on at least two different occasions - Grand River Widening and Tri-Lakes Roads.

Ledford, Hunt, Wildman and Smith agreed with the comments.

It was the consensus of the board to receive petitions from Red Oaks of Chemung through a formal resolution and to allow township financial support of 25% toward the re-construction project as discussed with possible sale of bonds for repayment over 15 to 20 years. Further, a bond sale may include the Mystic Lake and Mountain Subdivisions should petitions be received with a formal request for the creation of a special assessment district. No formal action was taken by the board.

**4. Request for approval and adoption of Ordinance #Z-12-01 to amend the zoning map of Genoa Charter Township by rezoning property located at 7777 Bendix Road, Brighton (parcel 4711-13-200-012) from MDR (Medium Density Residential) to OSD (Office Service District) petitioned by Notable Realty.**

A call to the public was made with no response.

Moved by Smith and supported by Skolarus to approve the adoption of Ordinance #Z-12-01 as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Wildman, Mortensen, Skolarus and McCririe. Nays – None. Absent – None.

**5. Review of a site plan application, impact assessment and site plan for a proposed 5,000 sq. ft. office building located at 7777 Bendix, Brighton, Sec. 13, petitioned by Notable Realty.**

Moved by Skolarus and supported by Smith to approve the site plan with the following conditions:

1. the plans shall comply with the requirements of the Township Engineer prior to issuance of a Land Use Permit.
2. The County Road Commission and the Zoning Board of Appeals shall approve any fixtures located in the right-of-way.
3. The site shall conform to the Township lighting ordinance and 12' tall fixtures are required rather than the proposed 20' fixtures.

The motion carried unanimously

**6. Introduction of proposed amendment to the Township Litter Ordinance and request to set public hearing to consider adoption for the August 20th, 2012 regular meeting.**

Moved by Mortensen and supported by Smith to set a public hearing for Aug. 20, 2012 as requested. The motion carried unanimously.

**7. Consider approval of Resolution 120806A authorizing the Township Supervisor and Township Clerk to execute a quit claim deed for the conveyance of parcel number 11-09-100-037 to Michigan Department of Transportation for the construction of the Latson Road Interchange.**

Moved by Smith and supported by Wildman to approve resolution 120806A as requested. The motion carried unanimously.

**8. Consider approval of Resolution 120806B for the Township to enter into the proposed Water Tower Lease Agreement and Memorandum of Lease Agreement with New Par, d/b/a/ Verizon Wireless and to enter into the proposed Declaration of Easements and Maintenance Agreement with Villas of Oak Pointe Association in regards to installing cellular antennae, equipment shelter and related improvements at the Oak Pointe Water Tower.**

Moved by Mortensen and supported by Ledford to approve Resolution 120806B as requested. This action will generate \$9,600.00 annual income to the township with a 3% addition each year for the next five years. The motion carried unanimously.

**9. Request for approval of an entertainment permit in regards to a Class C liquor license located at 3949 E. Grand River Ave., Howell, MI requested by Applebee's Restaurants Mid-Atlantic, LLC.**

Moved by Smith and supported by Hunt to approve the entertainment permit for an existing Class C liquor License. After further discussion the motion was withdrawn and moved to table by Smith and supported by Ledford until a determination can be made as to whether Applebee's already has an existing liquor permit. The motion carried unanimously.

**Member Discussion:**

Smith – The Howell Parks and Recreation just received a \$20,000.00 grant for a cooperative senior project with Hartland.

The regular Meeting of the Genoa Charter Township Board was adjourned at 8:25 p.m.



Paulette A. Skolarus  
Genoa Township Clerk



**PFEFFER • HANNIFORD • PALKA**  
*Certified Public Accountants*

**John M. Pfeffer, C.P.A.**  
**Patrick M. Hanniford, C.P.A.**  
**Kenneth J. Palka, C.P.A.**

*Members:*  
*AICPA Private Practice Companies Section*  
*MACPA*

**225 E. Grand River - Suite 104**  
**Brighton, Michigan 48116-1575**  
**(810) 229-5550**  
**FAX (810) 229-5578**

July 18, 2012

Board of Trustees  
Charter Township of Genoa  
2911 Dorr Road  
Brighton MI 48116

Dear Honorable Board Members:

In planning and performing our audit of the financial statements of the Charter Township of Genoa as of and for the year ended March 31, 2012, in accordance with auditing standards generally accepted in the United States of America, we considered the Charter Township of Genoa's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Township's internal control. Accordingly, we do not express an opinion on the effectiveness of the Township's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be significant deficiencies or material weaknesses and therefore there can be no assurance that all such deficiencies have been identified. However, as discussed below, we identified a deficiency in internal control that we consider to be a material weakness.

A deficiency in internal control exists when the design or operation of control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the following deficiency in the Charter Township of Genoa's internal control to be a material weakness.



**1. Establish Control over the Financial Reporting Process**

Management is responsible for establishing and maintaining internal controls, including monitoring, and for the fair presentation in the financial statements of financial position, results of operations, and cash flows, including the notes to financial statements, in conformity with U.S. generally accepted accounting principles.

At times, management may choose to outsource certain accounting functions due to cost or training considerations. Such accounting functions and service providers must be governed by the control policies and procedures of the Township. Management is as responsible for outsourced functions performed by a service provider as it would be if your personnel performed such functions. Specifically, management is responsible for management decisions and functions: for designating an individual with suitable skill, knowledge, or experience to oversee any outsourced services; and for evaluating the adequacy and results of those services and accepting responsibility for them.

As part of the audit, management requested us to prepare a draft of your financial statements, including the related notes to financial statements. Management reviewed, approved, and accepted responsibility for those financial statements prior to their issuance; however, management did not perform a detailed review of the financial statements. The absence of this control procedure is considered a material weakness because the potential exists that a material misstatement of the financial statements could occur and not be prevented or detected by the Company's internal control.

The existence of significant deficiencies or material weaknesses may already be known to management and may represent a conscious decision by management or those charged with governance to accept that degree of risk because of cost or other considerations. Management is responsible for making decisions concerning costs and the related benefits. We are responsible to communicate significant deficiencies and material weaknesses in accordance with professional standards regardless of management's decisions.

**Response by Management**

Management believes the cost of hiring additional personnel does not exceed the benefit of more control over the financial reporting process. Therefore, management has chosen to continue to request the auditors to prepare the financial statements.

**CONCLUSION**

Thank you for your assistance and hospitality toward our firm while conducting the audit of the Charter Township of Genoa.

If you should have any questions, comments or concerns please do not hesitate to call us.

This communication is intended solely for the information and use of management, Township Board of Trustees, and others with the organization, and is not intended to be and should not be used by anyone other than the specified parties.

*Pfeffer, Hanniford & Palka, P.C.*

PFEFFER, HANNIFORD & PALKA  
Certified Public Accountants

DRAFT

# Charter Township of Genoa

Audit Presentation

March 31, 2012



PFEFFER, HANNIFORD & PALKA  
Certified Public Accountants

BRIGHTON, MICHIGAN

GENOA TOWNSHIP  
GENERAL FUND  
AUDIT PRESENTATION  
COMPARATIVE STATEMENT OF REVENUES, EXENDITURES & TRANSFERS  
FOR PERIODS ENDING 6/30/06 THROUGH 3/31/12

LINE #	DESCRIPTION	YEAR ENDING	YEAR ENDING	YEAR ENDING	YEAR ENDING	YEAR ENDING	(CHANGE IN	YEAR ENDING
		3/31/2012	3/31/2011	3/31/2010	3/31/2009	3/31/2008	FISCAL YEAR) 9 MOS ENDING	6/30/2006
REVENUES:								
1	TAXES	821,190	846,918	916,670	958,169	950,911	908,444	855,043
2	TAX COLLECTION FEES	318,946	327,630	349,870	362,319	370,276	353,779	336,597
3	LICENSES & PERMITS/CABLE FRANCHISE FEES	318,111	303,748	275,273	253,201	250,890	184,165	225,872
4	TRAILER FEES	3,301	3,558	3,117	3,482	3,447	2,672	3,544
5	STATE SHARED REVENUES	1,630,181	1,047,344	967,161	1,089,615	1,080,898	811,922	1,091,183
6	APPLICATION FEES	28,575	22,426	17,425	32,731	49,586	55,228	82,126
7	REFUSE COLLECTION FEES	731,289	725,657	695,920	660,443	626,316	458,663	563,645
8	GRANT REVENUE	-	94,919	-	-	388	1,033	1,997
9	UTILITY ADMINISTRATION FEES	50,000	20,000	20,000	-	-	25,000	357,353
10	LIQUOR LAW ADMIN. FEES	3,500	3,500	3,500	3,500	3,500	3,500	3,500
11	LAND - TRANSFER TAXES	138,732	144,480	153,657	152,615	158,977	148,162	127,615
12	RENT INCOME	-	-	-	51,000	51,689	55,426	68,176
13	METRO ACT REVENUE	13,500	11,701	13,814	11,590	12,100	12,207	12,226
14	INTEREST INCOME	17,353	21,086	23,850	50,947	110,788	80,395	58,946
15	TRANSFER IN FROM OTHER FUNDS	79,000	-	300,000	-	-	-	-
16	MISCELLANEOUS	15,251	9,045	24,008	32,855	20,609	58,262	6,006
	TOTAL REVENUES	4,168,929	3,582,012	3,764,265	3,662,467	3,688,375	3,158,858	3,793,829
EXPENDITURES:								
30	SALARY - TRUSTEES	20,655	23,130	23,220	26,755	26,900	17,371	20,469
31	SALARY - SUPERVISOR	49,980	49,000	49,000	49,000	47,500	35,625	46,500
33	SALARY - ELECTION WORKERS	20,526	40,885	9,878	70,631	32,418	45,202	11,684
34	SALARY - PROFESSIONALS/CONTRACTUAL	300,696	317,464	302,349	298,649	314,663	224,751	307,170
35	CONTRACTUAL ASSESSING SERVICE	-	-	-	-	0	0	-
36	LEGAL	88,883	66,206	95,531	306,961	166,379	100,666	137,666
37	SALARY - CLERK	48,980	48,000	48,000	48,000	46,500	34,875	45,500
38	AUDITOR	16,850	16,600	16,450	15,225	15,200	12,425	13,925
39	PAYROLL PROCESSING (PAYCHEX)	-	-	-	-	-	-	-
40	ENGINEERS/PLANNING	48,645	33,764	47,486	98,903	47,837	21,856	69,407
41	TAX ROLL PREPARATION	-	-	-	-	-	3,734	7,237
42	SALARY - BOR, PLANNING, ZONING	4,877	4,821	8,997	4,596	21,705	2,039	1,920
43	REFUNDS & CHARGEBACKS	20,848	11,570	9,132	3,714	3,120	1,909	3,174
44	SALARY - TREASURER	48,980	48,000	48,000	48,000	46,500	34,875	45,500
45	REPAIRS & MAINTENANCE	83,665	91,799	65,574	71,122	61,167	31,120	35,491
46	INSURANCE	236,566	251,512	237,754	231,542	219,545	115,353	157,977
47	UTILITIES	19,356	16,207	15,705	18,007	16,609	12,928	16,822
48	SALARY - OTHER	250,861	264,520	265,200	239,725	199,948	147,314	199,504
49	RETIREMENT - PENSIONS	90,162	90,012	81,559	78,846	76,210	54,644	79,223
50	OFFICE EXPENSES	72,499	67,103	56,309	71,786	81,830	63,476	68,230
51	TELEPHONE	20,791	15,901	14,078	13,612	14,137	9,500	11,496
52	TRAVEL, AUTO (MILEAGE)	12,202	11,526	9,678	16,509	11,456	8,795	9,924
53	ESCROW LOSSES	-	-	-	-	-	-	300

GENOA TOWNSHIP  
GENERAL FUND  
AUDIT PRESENTATION  
COMPARATIVE STATEMENT OF REVENUES, EXENDITURES & TRANSFERS  
FOR PERIODS ENDING 8/30/06 THROUGH 3/31/12

LINE #	DESCRIPTION	YEAR ENDING	YEAR ENDING	YEAR ENDING	YEAR ENDING	YEAR ENDING	(CHANGE IN	YEAR ENDING
		3/31/2012	3/31/2011	3/31/2010	3/31/2009	3/31/2008	FISCAL YEAR)	6/30/2006
							9 MOS ENDING	
							3/31/2007	
54	GYPSY MOTH & MISCELLANEOUS	-	-	-	-	-	-	-
55	STORM MANDATE/NPDES	-	-	-	1,879	3,757	5,070	2,838
56	DUES	17,726	16,736	22,509	22,477	18,950	10,840	17,554
57	REGIONAL MEETING FEES	12,011	26,066	15,717	22,363	21,726	12,729	28,485
58	APPLICATION FEES	12,275	7,035	17,020	20,355	69,225	60,039	109,873
59	UTILITY BILLING FEES	-	-	-	-	-	-	99,467
60	SALARY - ORDINANCE ENFORCEMENT	44,710	45,907	42,281	40,494	37,314	26,389	36,379
61	SALARY - PLANNING & ZONING	27,344	26,646	26,168	24,380	-	-	-
62	METER READING	-	-	-	-	-	-	40,927
63	FIRE SUBSTATION	6,861	19,254	25,616	24,845	19,541	9,996	12,518
64	ROAD IMPROVEMENTS	226,182	49,201	280,279	479,193	2,100	170,848	113,546
65	LANDSCAPE & SITE WORK	-	-	-	-	-	-	1,615
66	REFUSE EXPENDITURES	902,699	861,862	844,632	833,586	825,337	598,012	763,236
67	DUST CONTROL	48,806	52,862	56,509	66,111	71,690	25,441	72,708
68	WHITE PINES STREET LIGHTING	746	645	651	756	576	468	609
69	DEBT RETIREMENT - PRIN & INTER.	-	-	-	-	-	-	121,592
70	PARKS & RECREATION	68,698	62,976	96,527	91,210	91,210	89,460	86,596
71	BIKE/WALK PATH	-	-	-	-	-	-	-
72	WATER/SEWER/BLDG DEPT.	28,799	-	-	-	-	-	-
73	DRAINS	27,515	26,675	37,192	17,411	33,803	25,106	30,309
74	CAPITAL OUTLAY	90,031	163,679	58,347	46,656	62,451	113,172	69,526
75	PAYROLL TAXES	62,557	64,986	78,888	67,928	57,237	40,913	58,534
76	UTILITIES - SALARIES/OTHER	-	-	-	-	-	-	98,561
77	WRITE OFF - DELINQUENT PERSONAL PROP TAXES	-	-	-	2,748	-	-	24,354
78	TRANSFER OUT TO OTHER FUNDS*	995,000	323,515	157,500	199,637	1,150,000	675,000	640,000
	TOTAL EXPENDITURES/TRANS OUT	4,027,982	3,216,065	3,163,736	3,673,612	3,914,541	2,841,941	3,718,346
	NET REVENUES & EXPENDITURES	140,947	365,947	600,529	(11,145)	(226,166)	316,917	75,483
	BEGINNING FUND BALANCE - G/F	2,452,516	2,086,569	1,486,040	1,497,185	1,723,351	1,406,434	1,330,951
	ENDING FUND BALANCE - G/F	2,593,463	2,452,516	2,086,569	1,486,040	1,497,185	1,723,351	1,406,434
	*TRANS-OUT TO FUNDS:							
82	ROAD IMPROVEMENT FUND	200,000	200,000	-	-	-	100,000	250,000
83	ADVANCES FOR ROAD PROJECTS/UTILITIES FUNDS	-	3,515	12,500	-	-	150,000	265,000
85	FUTURE DEVELOPMENT FIRE FUND	-	-	-	154,637	925,000	200,000	-
86	BUILDING/GROUNDS RESERVE FUND	60,000	45,000	45,000	45,000	25,000	25,000	25,000
89	PARKS & RECREATION FUND	725,000	75,000	100,000	-	200,000	200,000	100,000
90	SELCRA REIMBURSEMENT FUND	10,000	-	-	-	-	-	-
	TOTAL TRANSFERS OUT OF GENERAL FUND	995,000	323,515	157,500	199,637	1,150,000	675,000	640,000

GENOA TOWNSHIP  
GENERAL FUND  
AUDIT PRESENTATION  
COMPARATIVE STATEMENT OF REVENUES, EXENDITURES & TRANSFERS  
FOR PERIODS ENDING 6/30/06 THROUGH 3/31/12

LINE #	DESCRIPTION	YEAR ENDING 3/31/2012	YEAR ENDING 3/31/2011	YEAR ENDING 3/31/2010	YEAR ENDING 3/31/2009	YEAR ENDING 3/31/2008	(CHANGE IN FISCAL YEAR) 9 MOS ENDING 3/31/2007	YEAR ENDING 6/30/2006
	ENDING FUND BALANCE - OTHER FUNDS							
92	ROAD IMPROVEMENT FUND	1,171,281	1,249,055	1,205,150	1,209,215	1,183,120	1,149,362	1,138,666
93	ADVANCES FOR REIMBURSABLE ROAD PROJECTS	564,691	541,780	494,601	861,209	696,056	500,487	157,350
95	FUTURE DEVELOPMENT FIRE FUND	-	-	-	-	74,958	198,467	-
97	PARKS & RECREATION FUND	703,227	385,687	472,123	733,576	803,157	943,744	729,315
99	BUILDING/GROUNDS RESERVE FUND	200,521	218,790	172,990	126,281	79,017	51,316	25,353
100	SELCRA REIMBURSEMENT FUND	6,044						
	TOTAL ENDING FUND BALANCE - OTHER FUNDS	<u>2,645,764</u>	<u>2,395,312</u>	<u>2,344,864</u>	<u>2,930,281</u>	<u>2,836,308</u>	<u>2,843,376</u>	<u>2,050,684</u>
	ENDING FUND BALANCE - G/F & OTHER FUNDS	<u>5,239,227</u>	<u>4,847,828</u>	<u>4,431,433</u>	<u>4,416,321</u>	<u>4,333,493</u>	<u>4,566,727</u>	<u>3,457,118</u>
	REFUSE REVENUES	731,289	725,657	695,920	660,443	626,316	458,663	563,645
	REFUSE EXPENSES	<u>902,699</u>	<u>861,862</u>	<u>844,632</u>	<u>833,586</u>	<u>825,337</u>	<u>598,012</u>	<u>763,236</u>
	NET REFUSE	<u>(171,410)</u>	<u>(136,205)</u>	<u>(148,712)</u>	<u>(173,143)</u>	<u>(199,021)</u>	<u>(139,349)</u>	<u>(199,591)</u>

CHARTER TOWNSHIP OF GENOA  
 LAKE EDGEWOOD SEWER SYSTEM  
 BUDGET TO ACTUAL  
 FOR THE YEAR ENDING 3/31/12  
 AFTER AUDIT

ACCT #	DESCRIPTION	BUDGET FOR THE YEAR ENDING 3/31/2012	ACTUAL FOR THE YEAR ENDING 3/31/2012	VARIANCE	% OF EXPENSE BUDGET REMAINING
<b>REVENUES</b>					
400	Billings - operations	318,864	330,283	11,419	
420	Income - other	500	1,219	719	
440	Income - interest	5	0	(5)	
699	Trans - in LE new user	15,000	588,216	573,216	
	<b>TOTAL INCOME</b>	<b>334,369</b>	<b>919,718</b>	<b>585,349</b>	
<b>EXPENSES</b>					
600	Accounting/auditing	3,700	3,700	0	0.00%
609	Chemicals	18,500	15,372	3,128	16.91%
615	Consent order - groundh20 sodium	18,000	22,239	(4,239)	-23.55%
627	Engineering - general	1,000	0	1,000	100.00%
630	Engineering - separate projects	1,000	5,079	(4,079)	-407.90%
633	GIS	2,000	1,322	678	33.90%
639	Insurance	9,000	9,472	(472)	-5.24%
642	Labor - fixed	118,773	118,143	630	0.53%
648	Laboratory costs	14,000	15,123	(1,123)	-8.02%
654	Legal fees	500	75	425	85.00%
657	Licenses, Fees, Permits	3,900	3,650	250	6.41%
663	Office expenses	500	167	333	66.60%
669	Refunds & adjustments	200	0	200	100.00%
673	R & M - Building	2,000	1,270	730	36.50%
675	R & M - Grounds	1,500	70	1,430	95.33%
677	R & M - Plant equipment	20,000	13,387	6,613	33.07%
678	R & M - Grinder pumps	2,500	4,175	(1,675)	-67.00%
679	R & M - Lines	5,000	3,530	1,470	29.40%
680	R & M - Pump stations	10,000	7,585	2,415	24.15%
682	R & M - Snowplowing/mowing	2,500	1,378	1,122	44.88%
684	R & M - Generators	7,500	1,530	5,970	79.60%
681	R & M - Sewer line cleaning	7,100	2,648	4,452	62.70%
687	R & M - Other	1,000	47	953	95.30%
688	R & M - Backups	762	3,658	(2,896)	-380.05%
690	Sludge disposal	20,000	20,917	(917)	-4.59%
692	Telephone	3,800	4,250	(450)	-11.84%
694	Tools & supplies	300	1,738	(1,438)	-479.33%
695	Tools & supplies - all systems	1,000	3,695	(2,695)	-269.50%
700	Trans out - Reserve funds	0	50,000	(50,000)	N/A
701	Utilities - water	100	89	11	11.00%
702	Utilities - electric	48,000	49,050	(1,050)	-2.19%
704	Utilities - gas	5,000	3,805	1,195	23.90%
706	Utilities - sewer BTS (Davita)	3,200	3,210	(10)	-0.31%
	<b>Total expenses</b>	<b>332,335</b>	<b>370,374</b>	<b>(38,039)</b>	<b>-11.45%</b>
	<b>Net revenues/expenses</b>	<b>2,034</b>	<b>549,344</b>	<b>547,310</b>	
	<b>Beginning fund equity (deficit)</b>	<b>(253,622)</b>	<b>(253,622)</b>	<b>0</b>	
	<b>Ending fund equity (deficit)</b>	<b>(251,588)</b>	<b>295,722</b>	<b>547,310</b>	
	<b>Cash in LE Reserve Fund 3/31/12</b>		<b>325,983</b>		

CHARTER TOWNSHIP OF GENOA  
OAK POINTE SEWER SYSTEM  
BUDGET TO ACTUAL  
FOR THE YEAR ENDING 3/31/12  
AFTER AUDIT

ACCT #	DESCRIPTION	BUDGET FOR THE YEAR ENDING 3/31/2012	ACTUAL FOR THE YEAR ENDING 3/31/2012	VARIANCE	%OF EXPENSE BUDGET REMAINING
<b>REVENUES</b>					
400	Billings - operations	591,599	605,892	14,293	
420	Income - other	100	2,423	2,323	
425	Trans in - OP new user	0	173,827	173,827	
426	Trans in - OP DS Fund	0	426,764	426,764	
440	Income - interest	10	0	(10)	
<b>TOTAL INCOME</b>		<b>591,709</b>	<b>1,208,906</b>	<b>617,197</b>	
<b>EXPENSES</b>					
600	Accounting/auditing	3,700	3,700	0	0.00%
603	Administration - billings/meters	0	1,800	(1,800)	
609	Chemicals	10,000	4,300	5,700	57.00%
615	Consent order - groundh20 sodium	25,000	18,641	6,359	25.44%
617	Consent order - NaCl Contingency	2,000	0	2,000	100.00%
627	Engineering - general	1,000	420	580	58.00%
630	Engineering - separate projects	500	0	500	100.00%
631	GIS	2,500	2,317	183	7.32%
639	Insurance	12,000	17,398	(5,398)	-44.98%
642	Labor - fixed	251,000	252,389	(1,389)	-0.55%
648	Laboratory costs	10,000	15,798	(5,798)	-57.98%
654	Legal fees	100	0	100	100.00%
657	Licenses, Fees, Permits	4,000	3,650	350	8.75%
663	Office expenses	500	420	80	16.00%
669	Refunds & adjustments	500	591	(91)	-18.20%
673	R & M - Building	2,500	884	1,616	64.64%
675	R & M - Grounds	1,500	572	928	61.87%
677	R & M - Plant equipment	20,000	16,745	3,255	16.28%
678	R & M - Grinder pumps	45,000	40,468	4,532	10.07%
679	R & M - Lines	10,000	1,605	8,395	83.95%
680	R & M - Pump stations	35,000	4,385	30,615	87.47%
682	R & M - Snowplowing/mowing	7,500	2,430	5,070	67.60%
684	R & M - Generators	7,500	1,265	6,235	83.13%
686	R & M - Sewer line cleaning	8,000	3,236	4,764	59.55%
687	R & M - Other	1,000	0	1,000	100.00%
688	R & M - Sewer backups	1	0	1	100.00%
690	Sludge disposal	23,000	25,217	(2,217)	-9.64%
692	Telephone	7,400	6,575	825	11.15%
694	Tools & supplies	1,000	568	432	43.20%
695	Tools & supplies - all systems	3,000	10,320	(7,320)	-244.00%
700	Trans to Reserves	0	50,000	(50,000)	N/A
702	Utilities - electric	67,000	70,527	(3,527)	-5.26%
704	Utilities - gas	5,000	1,721	3,279	65.58%
800	Debt	0	250,000	(250,000)	
<b>Total expenses</b>		<b>567,201</b>	<b>807,942</b>	<b>(240,741)</b>	<b>-42.44%</b>
<b>Net revenues/expenses</b>		<b>24,508</b>	<b>400,964</b>	<b>376,456</b>	
<b>Beginning fund equity (deficit)</b>		<b>(173,827)</b>	<b>(173,827)</b>	<b>0</b>	
<b>Ending fund equity (deficit)</b>		<b>(149,319)</b>	<b>227,137</b>	<b>376,456</b>	
<b>Cash in OP Sewer Resrve Fund 3/31/12</b>			<b>57,436</b>		



CHARTER TOWNSHIP OF GENOA  
OAK POINTE WATER SYSTEM  
BUDGET TO ACTUAL  
FOR THE YEAR ENDING 3/31/12  
AFTER AUDIT

ACCT # DESCRIPTION	BUDGET FOR THE YEAR ENDING 3/31/2012	ACTUAL FOR THE YEAR ENDING 3/31/2012	VARIANCE	%OF EXPENSE BUDGET REMAINING
<b>REVENUES</b>				
400 Billings - operations	328,230	344,075	15,845	
420 Income - other	0	18,029	18,029	
423 Income - capital charge	32,760	33,018	258	
425 Trans in - OP new user	0	0	0	
440 Interest Income	10	0	(10)	
446 Meter Sales	0	497	497	
<b>TOTAL INCOME</b>	<b>361,000</b>	<b>395,619</b>	<b>34,619</b>	
<b>EXPENSES</b>				
600 Accounting/auditing	3,200	3,200	0	0.00%
603 Administration - billings/meters	0	1,800	(1,800)	N/A
609 Chemicals	14,000	10,979	3,021	21.58%
627 Engineering - general	500	1,470	(970)	-194.00%
630 Engineering - separate projects	1,000	0	1,000	100.00%
633 GIS	1,000	1,936	(936)	-93.60%
639 Insurance	9,000	7,999	1,001	11.12%
642 Labor - fixed	198,000	194,248	3,752	1.89%
648 Laboratory costs	1,000	962	38	3.80%
654 Legal fees	500	0	500	100.00%
657 Licenses, Fees, Permits	1,000	946	54	5.40%
663 Office expenses	600	591	9	1.50%
668 MXU program	12,000	10,125	1,875	15.63%
669 Refunds & adjustments	500	36	464	92.80%
673 R & M - Building	2,500	80	2,420	96.80%
675 R & M - Grounds	500	0	500	100.00%
677 R & M - Plant equipment	15,000	27,455	(12,455)	-83.03%
679 R & M - Lines	10,000	25,961	(15,961)	-159.61%
680 R & M - Pump stations	2,000	1,796	204	10.20%
682 R & M - Snowplowing/mowing	500	1,053	(553)	-110.60%
684 R & M - Generators	2,500	910	1,590	63.60%
685 R & M - Towers	2,500	3,475	(975)	-39.00%
687 R & M - Other	1,000	0	1,000	100.00%
692 Telephone	1,500	1,510	(10)	-0.67%
694 Tools & supplies	500	450	50	10.00%
695 Tools & supplies - all systems	2,000	5,104	(3,104)	-155.20%
702 Utilities - electric	32,000	26,971	5,029	15.72%
704 Utilities - gas	4,000	1,924	2,076	51.90%
800 Debt	32,760	32,840	(80)	-0.24%
<b>Total expenses</b>	<b>351,560</b>	<b>363,821</b>	<b>(12,261)</b>	<b>-3.49%</b>
<b>Net revenues/expenses</b>	<b>9,440</b>	<b>31,798</b>	<b>22,358</b>	
<b>Beginning fund equity (deficit)</b>	<b>102,972</b>	<b>102,972</b>	<b>0</b>	
<b>Ending fund equity (deficit)</b>	<b>112,412</b>	<b>134,770</b>	<b>22,358</b>	

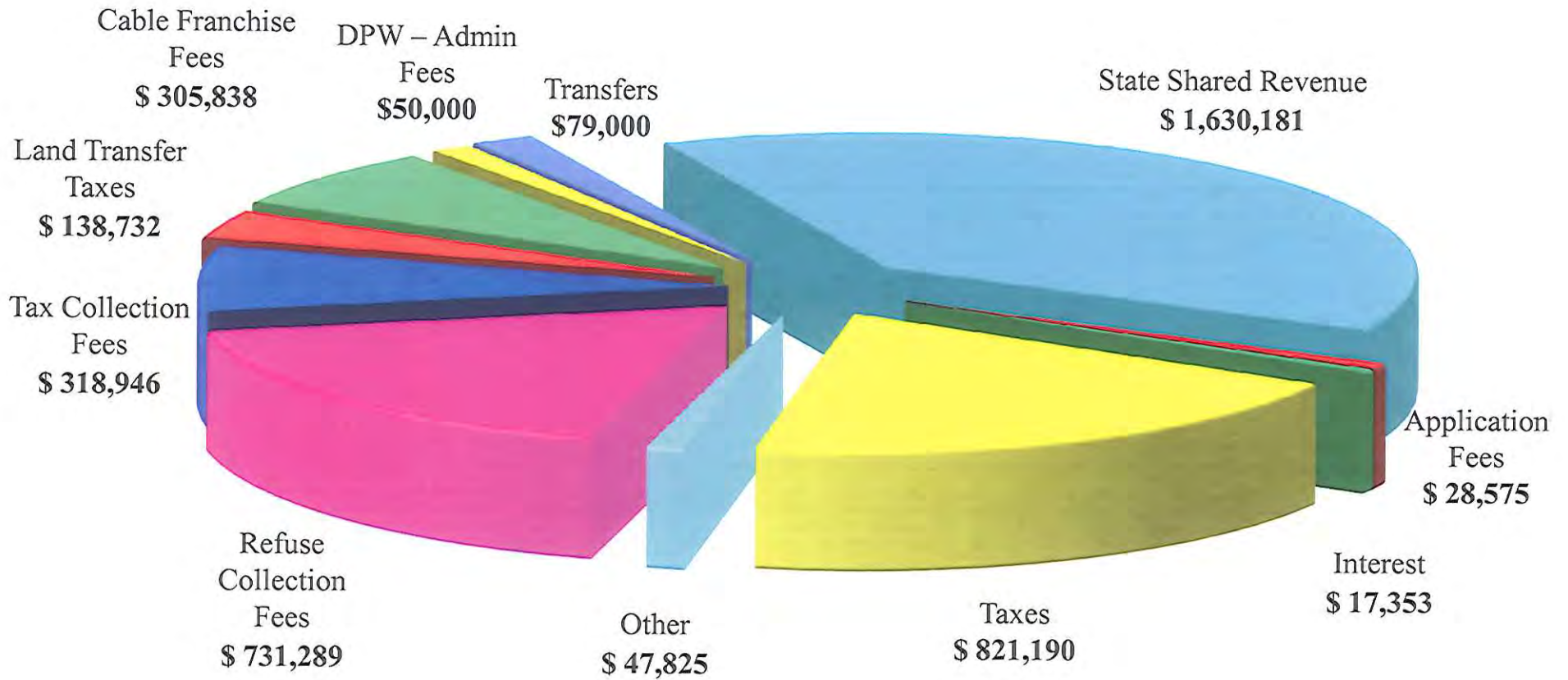
GENOA TOWNSHIP - DPW FUND #503  
 BUDGET TO ACTUAL REPORT  
 FOR THE YEAR ENDING 3/31/2012  
 AFTER AUDIT

ACCOUNT#	ACCOUNT DESCRIPTION	ACTUAL FOR THE YEAR ENDING 3/31/2012	BUDGET FOR THE YEAR ENDING 3/31/2012	BUDGET REMAINING
<b>REVENUES</b>				
400	FEES - EXCLUDING OPER LABOR			
401	GENOA TWP. (ENGR. ONLY)	18,960	15,000	3,960
402	MARION SEWER (BILLING ONLY)	14,925	14,500	425
403	PINE CREEK WATER/SEWER (BILLING ONLY)	13,802	14,000	(198)
404	LAKE EDGEWOOD WATER (BILLING ONLY)	4,102	4,100	2
	SUBTOTAL - FEES EXCLUDING OPER LABOR	<u>51,789</u>	<u>47,600</u>	<u>4,189</u>
410	FEES - INCLUDING OPER LABOR			
411	OAK POINTE WATER/SEWER	436,413	449,030	(12,617)
412	MHOG WATER	776,026	798,461	(22,435)
413	LAKE EDGEWOOD SEWER	115,436	118,773	(3,337)
415	GENOA/OCEOLA SEWER	481,739	495,385	(13,646)
	SUBTOTAL - FEES INCLUDING OPER LABOR	<u>1,809,614</u>	<u>1,861,649</u>	<u>(52,035)</u>
420	OTHER INCOME	9,839	500	9,339
440	INTEREST INCOME	0	75	(75)
	SUBTOTAL - OTHER INCOME	<u>9,839</u>	<u>575</u>	<u>9,264</u>
	<b>TOTAL REVENUE</b>	<u>1,871,242</u>	<u>1,909,824</u>	<u>(38,582)</u>
<b>EXPENDITURES</b>				
600	AUDIT/ACCOUNTING SERVICES	6,800	7,000	200
601	AUTO/TRUCK EXPENSES			
601.1	ALLOWANCE	4,500	2,400	(2,100)
601.2	GASOLINE	40,013	48,000	7,987
601.3	LOAN PAYBACK (TRANS OUT TO #489)	64,148	64,147	(1)
601.4	REPAIRS/MAINTENANCE	10,667	10,000	(667)
	TOTAL AUTO/TRUCK EXPENSES	<u>119,328</u>	<u>124,547</u>	<u>5,219</u>
602	ADMINISTRATIVE EXPENSES			
602.1	RECEIPTING	30,000	30,000	0
602.2	OFFICE RENT & SUPPLY	20,000	20,000	0
	TOTAL ADMINISTRATIVE EXPENSES	<u>50,000</u>	<u>50,000</u>	<u>0</u>
603	COMPUTER/SW EXPENSES	18,514	15,000	(3,514)
604	CONFERENCES & DUES	6,554	11,500	4,946
606	CONTINGENCY	0	5,000	5,000
608	EMPLOYER'S PAYROLL TAXES			
608.1	ADMINISTRATION	21,408	24,571	3,163
608.2	OPERATORS	52,983	69,463	16,480
	TOTAL EMPLOYER'S PAYROLL TAXES	<u>74,391</u>	<u>94,034</u>	<u>19,643</u>

GENOA TOWNSHIP - DPW FUND #503  
 BUDGET TO ACTUAL REPORT  
 FOR THE YEAR ENDING 3/31/2012  
 AFTER AUDIT

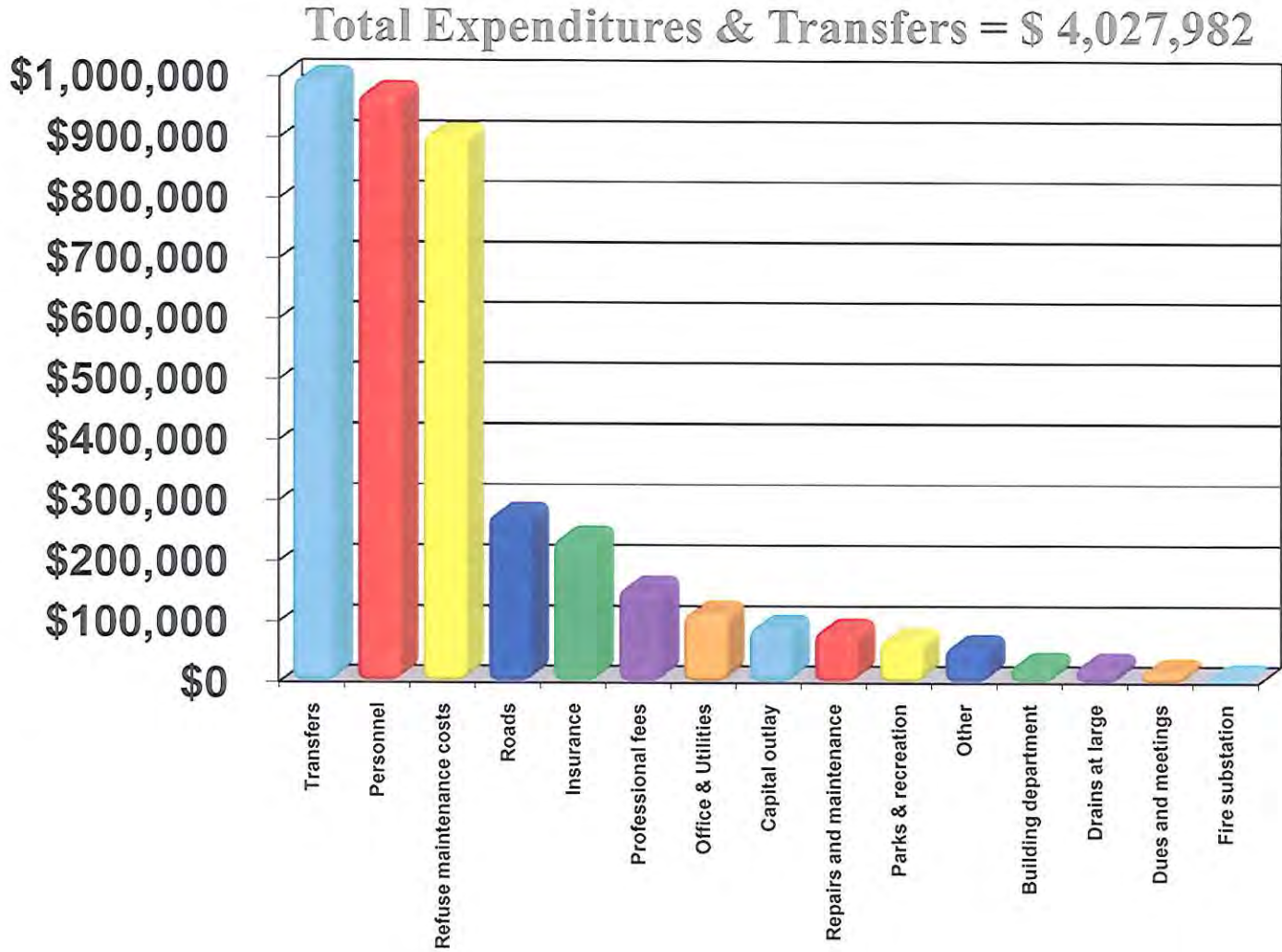
ACCOUNT#	ACCOUNT DESCRIPTION	ACTUAL FOR THE YEAR ENDING 3/31/2012	BUDGET FOR THE YEAR ENDING 3/31/2012	BUDGET REMAINING
612	INSURANCE			
612.1	EMPLOYEES - ADMINISTRATION	42,822	47,956	5,134
612.2	EMPLOYEES - OPERATORS	200,409	271,308	70,899
612.3	VEHICLES/OTHER	7,508	8,000	492
	TOTAL INSURANCE	250,739	327,264	76,525
613	LEGAL FEES	900	1,500	600
617	OFFICE EXPENSES	17,987	4,000	(13,987)
618	OTHER EXPENSES	2,239	1,000	(1,239)
619	POSTAGE & SHIPPING	7,500	7,000	(500)
627	RETIREMENT			
627.1	ADMINISTRATION	22,931	26,836	3,905
627.2	OPERATORS	70,267	78,455	8,188
	TOTAL RETIREMENT	93,198	105,291	12,093
630	SALARIES			
630.1	SALARIES - ADMIN	271,303	284,863	13,560
630.8	SALARIES - OPERATIONS - STRAIGHT TIME	693,465	713,120	19,655
630.91	SALARIES - OPERATIONS - OVERTIME	38,824	84,630	45,806
	TOTAL SALARIES - OPERATIONS	732,289	797,750	65,461
	TOTAL SALARIES - ADMIN & OPERATIONS	1,003,592	1,082,613	79,021
640	SUPPLIES & TOOLS	4,344	10,000	5,656
651	TELEPHONE			
652	CUSTOMER LINE	1,580	2,000	420
653	ANSWERING SERVICE	1,589	2,700	1,111
654	MOBILE PHONES	16,750	16,200	(550)
	TOTAL TELEPHONE	19,919	20,900	981
700	TRANSFERS TO RESERVES	40,000	30,000	(10,000)
705	UNIFORMS & PROTECTIVE CLOTHING	12,274	12,600	326
	TOTAL EXPENDITURES	1,728,279	1,909,249	180,970
	CHANGE IN FUND BALANCE	142,963	575	142,388
	BEGINNING FUND BALANCE - 4/1/11	59,664	59,664	0
	ENDING FUND BALANCE - 3/31/12	202,627	60,239	142,388

**Charter Township of Genoa  
General Fund Revenues & Transfers  
For The Year Ended March 31, 2012**



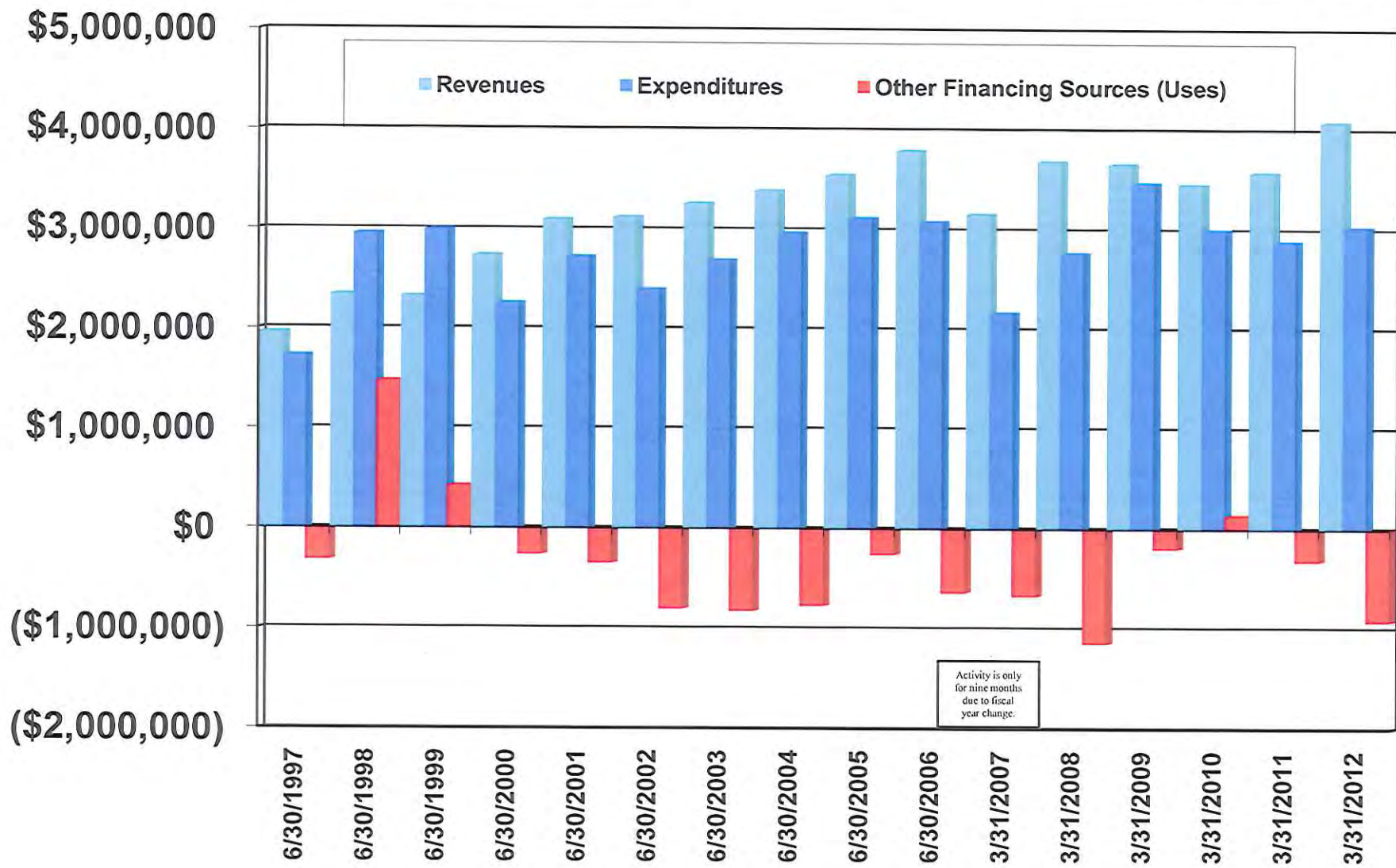
**Total Revenues = \$ 4,168,929**

# Charter Township of Genoa General Fund Expenditures & Transfers For The Year Ended March 31, 2012

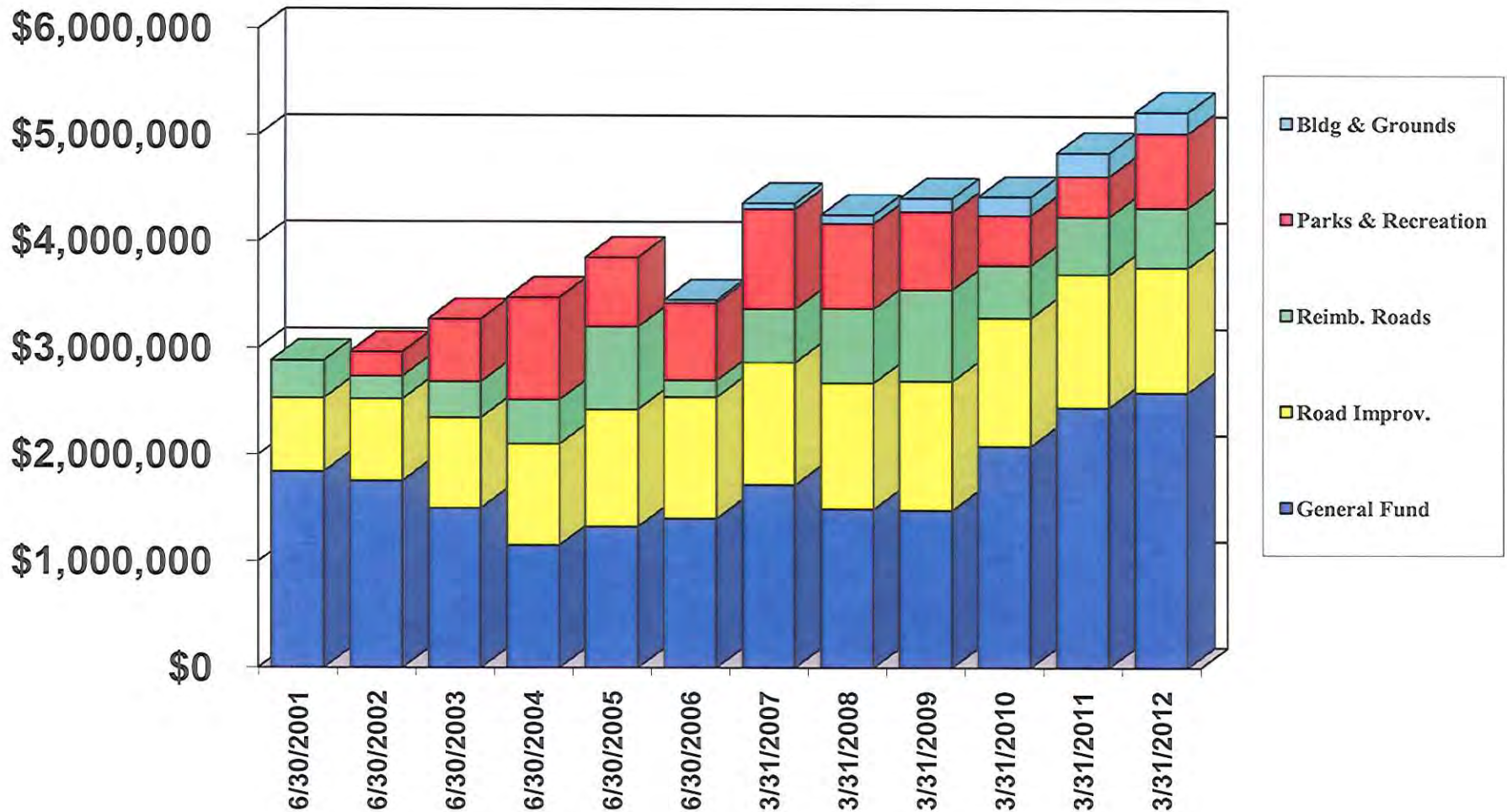


# Charter Township of Genoa General Fund

For the Years Ended June 30, 1997-2006, March 31, 2007-2012

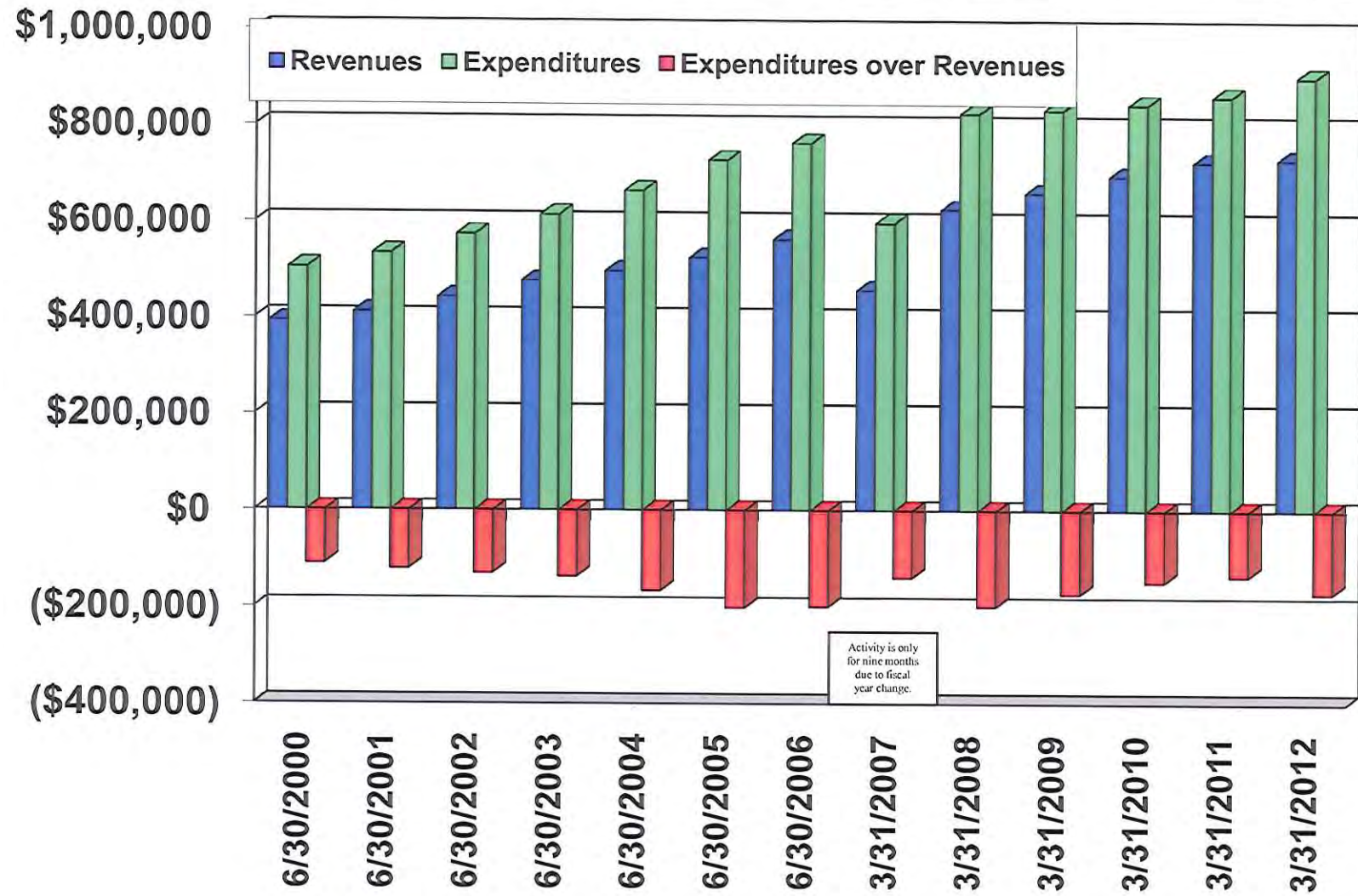


**Charter Township of Genoa**  
**General, Road, Parks, and Building Reserve**  
**Fund Balance Comparison (Pre-Gasb 54)**  
**June 30, 2001-2006, March 31, 2007-2012**



# Charter Township of Genoa Refuse Collection

For The Years Ended June 30, 2000 – 2006, March 31, 2007-2012





LITTER ORDINANCE  
RESOLUTION NO. 120820

AN ORDINANCE TO PROVIDE FOR THE REGULATION, CONTROL AND PROHIBITION OF LITTERING OF OR ON PROPERTY OR WATERS OF AND IN\_GENOA TOWNSHIP; AND TO PROVIDE PENALTIES FOR VIOLATION OF SAID ORDINANCE.

THE TOWNSHIP OF GENOA, LIVINGSTON COUNTY, MICHIGAN ORDAINS:

SECTION 1. DEFINITIONS

The term "litter" shall include, without limitation, all rubbish, refuse, water material, garbage, including but not limited to the following; waste composed or animal, fish, fowl fruit or vegetable matter, dead animals, putrescible and non-putrescible solid waste (except body wastes), glass, cans bottles, discarded or abandoned machinery, equipment or parts thereof, discarded or abandoned motor vehicles or parts thereof, parts of broken furniture, furniture not designed for outdoor use, stoves or other appliances and industrial wastes.

The term "person" shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by agent or employee. All persons who violate any provision of this ordinance, whether as owner, occupant, lessee, agent or employee shall be equally liable as any principal.

The term "public and private property" means all open property located in the township and includes, but is not limited to, any and all streets, right of way of any street, road or highway, sidewalk, boulevard, alley or other public way and any and all public park, square, open space, conservation or recreation area playground or building; and residential or farm properties or timberlands.

The term "vehicle" means every motor vehicle required to be registered under the provisions of Act. No. 300 of Public Act of 1949 of the State of Michigan, the Michigan\_Vehicle Code, as amended, (MCL 257.1, et seq) to operate on a public road.

The term "vessel" means every description of watercraft other than a seaplane on the water, used or capable of being used as a means of transportation on water.

The term "waters" means any body of water or watercourses, or the shore or beach thereof, including the ice above the water.

SECTION 2. LITTERING; PUBLIC AND PRIVATE PROPERTY

(1) It shall be unlawful for any person to knowingly dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving, of litter in or upon any public or private property or any waters within the township other than property designated and set aside by the township for such purposes, or except in public receptacles and private receptacles for collection and disposal.

(2) Subject to Section 4, it shall be unlawful for the owner or a person in control of any private property to fail to maintain his or her property free of litter. Placement of Litter in receptacles pursuant to Section 4 shall only be done as reasonably necessary for the purposes of collection and disposal.

SECTION 3. LITTER THROWN BY PERSONS IN VEHICLES

It shall be unlawful for any person while a driver or passenger in a vehicle or vessel to throw or deposit litter upon any street, roadway or waters or other public or private property within the township.

#### SECTION 4. PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING

Persons placing litter in public or private receptacles designed for such purposes shall do so in such a manner as to prevent it from being carried or deposited by the elements or by animals upon any street, sidewalk or other public or private lands or place.

#### SECTION 5. TRUCK LOADS CAUSING LITTER

No person shall drive or move any motor vehicle or trailer within the township unless such vehicle or trailer is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or public or private lands or place.

#### SECTION 6. PRESUMPTIONS RE VEHICLES OR VESSELS

(1) In a proceeding for a violation of this ordinance involving litter from a motor vehicle or vessel, proof that the particular vehicle or vessel described in the citation, complaint or warrant was used in the violation, together with proof that the defendant named in the citation, complaint or warrant was the registered owner of the vehicle or vessel at the time of the violation, constitutes in evidence a presumption that the registered owner of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

(2) The driver of a vehicle or vessel is presumed to be responsible for litter which is thrown, dropped, dumped, deposited, placed or left from the vehicle or vessel on public or private property or waters.

(3) In a proceeding for a violation of this act involving litter from a leased vehicle or leased vessel, proof that the particular vehicle or vessel described in the citation, complaint or warrant was used in the violation, together with proof that the defendant named in the citation, complaint or warrant was the lessee of the vehicle or vessel at the time of the violation, constitutes in evidence a presumption that the lessee of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

#### SECTION 7. VIOLATION; PUNISHMENT

Any violation of this ordinance by any person shall be deemed a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) plus costs of prosecution, or by imprisonment in the county jail not to exceed ninety (90) days, or by both such fine and imprisonment plus costs of prosecution. The court in lieu of any sentence imposed, may direct a substitution of litter gathering labor, including, but not limited to, the litter connected with the particular violation, and proper disposal of said litter, under the supervision of the court. Each day that a violation continues shall be deemed to be a separate violation. This ordinance shall not prevent the township from using other methods or means available under Michigan law pertaining to litter problems or violations.

#### SECTION 8. CONFLICTING PROVISIONS REPEALED

Ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed.

SECTION 9. SEVERABILITY

This ordinance and various parts, sections and clauses thereof are hereby declared severable. If any part, section, paragraph or clause is adjudged invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby.

This ordinance shall take effect on the

day of ,2012.

STATE OF MICHIGAN            )  
  )SS.  
COUNTY OF LIVINGSTON        )

I hereby certify that the foregoing ordinance is a true copy of the ordinance enacted by the township board on the day of , 2012, and that the necessary legal provisions have been observed.

\_\_\_\_\_

Polly Skolarus, Township Clerk

I, Polly Skolarus, Clerk of the Township of Genoa, hereby certify that the foregoing ordinance was published within ten days after adoption by printing the same in the Livingston County Press on the day of , 2012.

\_\_\_\_\_  
Polly Skolarus, Township Clerk

# Carlin Edwards Brown PLLC

Attorneys & Counselors at Law

John B. Carlin, Jr.  
Scott D. Edwards  
Michael J. Brown

2855 Coolidge Hwy., Suite 203  
Troy, Michigan 48084  
P. (248) 816-5000  
F. (248) 816-5115  
[www.cebhlaw.com](http://www.cebhlaw.com)

July 20, 2012

Central Michigan  
6017 W. St. Joe Hwy., Suite 202  
Lansing, MI 48917  
P. (517) 321-4617  
F. (517) 321-4642

Northern Michigan  
213 East Main St., 2<sup>nd</sup> Floor  
Gaylord, Michigan 49735  
P. (989) 688-5946  
F. (989) 688-5901

Ms. Polly Skolarus, Township Clerk  
Genoa Charter Township  
2911 Dorr Rd.  
Brighton, MI 48116

**Re: Licensee: Applebee's Restaurants Mid-Atlantic, LLC ("Applebee's")  
Entertainment Permit Request  
Location: 3949 E. Grand River Ave., Howell (Genoa Twp.) MI  
RID #: 665280**

Dear Clerk:

This firm represents Applebee's in connection with its liquor licensing matters in the State of Michigan. Applebee's has requested an Entertainment Permit from the Michigan Liquor Control Commission for use at its restaurant. It currently has trivia games which are being conducted and this qualifies as entertainment for Liquor Control Commission purposes.

The Liquor Control Commission still requires a Local Governmental Approval Resolution and a Police Investigation Recommendation for an entertainment permit. Enclosed please find the Local Governmental Approval Resolution and a copy of the Police Investigation Recommendation. Please have the matter scheduled for approval at your earliest opportunity.

Should you have any questions or require any additional forms or fees, please contact the undersigned.

Very truly yours,

CARLIN EDWARDS BROWN PLLC

*Scott Edwards*

Scott Edwards  
Direct Dial: (248) 816-3205  
E-Mail: [sedwards@cebhlaw.com](mailto:sedwards@cebhlaw.com)

Enclosure  
12-1272



Michigan Department of Licensing and Regulatory Affairs  
 Liquor Control Commission (MLCC)  
 7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505  
 Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: 203817  
 Request ID: \_\_\_\_\_  
 (For MLCC use only)

**Local Government Approval**

(Authorized by MCL 436.1501)

**Instructions for Applicants:**

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local unit of government.

**Instructions for Local Legislative Body:**

- Complete this resolution, or provide a resolution, a letter of certification from the clerk, or minutes from the meeting at which this request was considered.

At a \_\_\_\_\_ meeting of the \_\_\_\_\_ Genoa Township \_\_\_\_\_ council/board  
 (regular or special) (township, city, village)  
 called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
 the following resolution was offered: (date) (time)

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_  
 that the application from Applebee's Restaurants Mid-Atlantic, LLC  
 (name of applicant)  
 for the following license(s): n/a  
 (e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for:  Dance Permit  Entertainment Permit  Topless Activity Permit  
 Extended Hours Dance Permit Hours Required: \_\_\_\_\_  
 Extended Hours Entertainment Permit Hours Required: \_\_\_\_\_

to be located at 3949 E. Grand River Ave., Howell (Genoa Twp.), MI  
 be considered for \_\_\_\_\_ Approval \_\_\_\_\_  
 (approval or disapproval)

<b><u>Approval</u></b>	<b><u>Disapproval</u></b>
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

It is the consensus of this body that it \_\_\_\_\_ this application be considered for  
 (recommends/does not recommend)  
 approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is true and is a complete copy of th resolution offered and adopted by the \_\_\_\_\_  
 council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_ (township, city, village)  
 (regular or special) (date)

Name and title of authorized officer (please print): \_\_\_\_\_  
 Signature and date of authorized clerk: \_\_\_\_\_  
 Phone number and e-mail of authorized officer: \_\_\_\_\_



Michigan Department of Licensing and Regulatory Affairs  
 Liquor Control Commission (MLCC)  
 7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505  
 Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: 203817  
 Request ID: \_\_\_\_\_  
 (For MLCC use only)

**Police Investigation Recommendation**

[Authorized by MCL 436.1217 and R 436.1105; MAC]

**Instructions for Applicants:**

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local law enforcement agency.
- Sign consent below.
- Administrative rule R 436.1115 provides that an applicant for a license shall submit fingerprints and undergo investigation by the Commission. Fingerprints are not required for an applicant previously fingerprinted for a license with the Commission. If your local police agency does not have paper fingerprint cards, please contact the MLCC today at (866) 813-0011 and we will send them to you right away.
- **Send your completed application, the police recommendation and local approval to the address listed at the top of this form. Do not mail separately as it may delay the processing of your application.**

**Instructions for Law Enforcement Agency:**

- Under the Michigan Liquor Control Code, local police agency approval is required only for permanent or temporary dance permits, entertainment permits, or topless activity permits; local police approval is also required for extended hours of dance permits and entertainment permits. However, administrative rule R 436.1105 requires the Commission to consider an opinion of the local police agency in regard to an application for a license or a permit if the opinion is submitted in writing.
- If applicant states they have never held a license, please attach the fingerprint card and \$30.00 fee payable (for each card) to the State of Michigan and return them to the Lansing office of the Michigan Liquor Control Commission. If your local police agency does not have paper fingerprint cards, please contact the MLCC today at (866) 813-0011 and we will send them to you right away.
- Fingerprint all individuals who hold 10% or more of the total stock or interest issued as stated in Part 8 of the Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or Part 9 in form LCC-3015 for Manufacturers and Wholesalers).
- Applicant will be required to advise you if they have been previously fingerprinted by the Commission for a license.

**Part 1 - Consent for Investigation:**

I hereby consent to an investigation by the local law enforcement.

\_\_\_\_\_/\_\_\_\_\_/2012 Applebee's Restaurants Mid-Atlantic, LLC \_\_\_\_\_ Scott Edwards, Authorized Agent  
 Date Print name of applicant Signature of applicant

Business Phone: 248-816-3205 Cell Phone: \_\_\_\_\_ E-mail address: sedwards@cebhlaw.com

**Part 2 - Applicant Investigation:**

The application from Applebee's Restaurants Mid-Atlantic, LLC  
 (name of applicant)

for the following license(s): n/a  
 (e.g. Class C, Tavern, B-Hotel, Micro Brewer)

to be located at 3949 E. Grand River Ave., Howell (Genoa Twp.) MI

with the following permits, if applied for:  Dance Permit  Entertainment Permit  Topless Activity Permit

Extended Hours Dance Permit Hours Required: \_\_\_\_\_

Extended Hours Entertainment Permit Hours Required: \_\_\_\_\_

Administrative rule R 436.1105(2) provides that the Commission shall consider all of the following factors in determining whether an applicant may be issued a license or permit:

- (a) The applicant's management experience in the alcoholic liquor business.
- (b) The applicant's general management experience.
- (c) The applicant's general business reputation.
- (d) The opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business.
- (e) The applicant's moral character.
- (f) The order in which the competing initial application forms are submitted to the commission; however, this subdivision shall not apply to an application for a resort license authorized by section 531 of 1998 PA 58, MCL 436.1531.
- (g) Past convictions of the applicant for any of the following:
  - (i) A felony.
  - (ii) A crime involving the excessive use of alcoholic liquor.
  - (iii) A crime involving any of the following:
    - (a) Gambling.
    - (b) Prostitution.
    - (c) Weapons.
    - (d) Violence.
    - (e) Tax evasion.
    - (f) Fraudulent activity.
    - (g) Controlled substances
  - (iv) A misdemeanor of such a nature that it may impair the ability of the applicant to operate a licensed business in a safe and competent manner.
  - (v) Sentencing for any of the offenses specified in this subrule after a plea of nolo contendere.
- (h) The applicant's excessive use of alcoholic liquor.
- (i) The effects that the issuance of a license would have on the economic development of the area.
- (j) The effects that the issuance of a license would have on the health, welfare, and safety of the general public.

**Part 3 - Recommendation**

Do you have any concerns about the applicant, under this rule, at this time?     Yes     No

If you answered yes, please provide an explanation on this form, or attach a separate page if more space is needed.

Are the permits requested by the applicant recommended by your department at this time?     Yes     No

If you answered no, please provide an explanation as to why your department does not recommend this application.

(List your reasons on this form, or attach a separate sheet if more space is needed.)

Name of law enforcement agency: \_\_\_\_\_

Name and title of approving officer (please print): \_\_\_\_\_

Signature and date of approving officer: \_\_\_\_\_

Phone number and e-mail of approving officer: \_\_\_\_\_

Resolution #1 – Red Oaks Road Improvement Project  
Special Assessment Project (Winter 2013)

**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 August 20, 2012, at 6:30 p.m., there were

PRESENT:

ABSENT:

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 the Red Oaks Road Improvement project 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 within the Red Oaks 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:

NO:

ABSTAIN:



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 (August 20, 2012), 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 TEN YEAR SPECIAL ASSESSMENT DISTRICT  
 WITH PROJECTED COSTS AS FOLLOWS:

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

Description	Quantity	Unit	Unit Price	Total
Mobilization	1	LS	\$3,200	\$3,200.00
Culvert Cleanout	3,895	FT	\$8.00	\$31,160.00
Ditch Cleanout	319.10	STA	\$200	\$63,820.00
Misc. Sugrade Undercutting, Type IV	2,250	CYD	\$22.00	\$49,500.00
Aggregate Base, LM (21AA)	978.00	CYD	\$20.00	\$19,560.00
HMA Base Crushing and Shaping	30,527	SYD	\$2.00	\$61,054.00
Shoulder, CI,II 3 inch	7,107	SYD	\$2.50	\$17,767.50
Dr Structure Cover, Adj, Case 2	45.00	EA	\$300.00	\$13,500.00
HMA, 36A 2.5"	4,848	TON	\$60.00	\$290,880.00
HMA Approach	107.00	TON	\$75.00	\$8,025.00
HMA Patching	46.00	TON	\$100.00	\$4,600.00
Slope Restoration	16,148	SYD	\$2.00	\$32,296.00
Additional costs to increase to 3"				\$50,000.00
Construction Sub-Total				\$645,362.50
Contingencies – 10%				\$64,536.25
Engineering, Legal, Administration – 15%				\$96,804.37
Township Contribution – 25% of project cost				(201,675.78)
<b>TOTAL</b>				<b>\$605,027.34</b>

**Total amount per parcel - \$2,649.49    Amount per year for ten years - \$246.95**

Resolution #2 – Red Oaks Road Improvement Project  
Special Assessment Project (Winter 2013)

**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 August 20<sup>th</sup>, 2012, at 6:30 p.m., there were

PRESENT:

ABSENT:

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 Red Oaks 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 “Red Oaks Road Improvement Project Special Assessment District (winter 2013).”
3. The public hearing will be held on September 4<sup>th</sup>, 2012 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 August 21<sup>st</sup>, 2012. 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 August 24<sup>th</sup>, 2012 and once on or before August 30<sup>th</sup>, 2012. 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:

NO:

ABSTAIN:

#### 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 B

Genoa Charter Township  
Livingston County, Michigan

NOTICE OF PUBLIC HEARING  
UPON A PROPOSED RED OAKS 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 September 4<sup>th</sup>, 2012, 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 – RED OAKS ROAD IMPROVEMENT PROJECT  
AND SPECIAL ASSESSMENT DISTRICT (Winter 2013)  
(A ten-year program with costs as follows)

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

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

Description	Quantity	Unit	Unit Price	Total
Mobilization	1	LS	\$3,200	\$3,200.00
Culvert Cleanout	3,895	FT	\$8.00	\$31,160.00
Ditch Cleanout	319.10	STA	\$200	\$63,820.00
Misc. Sugrade Undercutting, Type IV	2,250	CYD	\$22.00	\$49,500.00
Aggregate Base, LM (21AA)	978.00	CYD	\$20.00	\$19,560.00
HMA Base Crushing and Shaping	30,527	SYD	\$2.00	\$61,054.00
Shoulder, CI,II 3 inch	7,107	SYD	\$2.50	\$17,767.50
Dr Structure Cover, Adj, Case 2	45.00	EA	\$300.00	\$13,500.00
HMA, 36A 2.5"	4,848	TON	\$60.00	\$290,880.00
HMA Approach	107.00	TON	\$75.00	\$8,025.00
HMA Patching	46.00	TON	\$100.00	\$4,600.00
Slope Restoration	16,148	SYD	\$2.00	\$32,296.00
Additional costs to increase to 3"				\$50,000.00
Construction Sub-Total				\$645,362.50
Contingencies – 10%				\$64,536.25
Engineering, Legal, Administration – 15%				\$96,804.37
Township Contribution – 25% of project cost				(201,675.78)
<b>TOTAL</b>				<b>\$605,027.34</b>

**Total amount per parcel - \$2,649.49    Amount per year for ten years - \$246.95**

EXHIBIT A

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

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

Description	Quantity	Unit	Unit Price	Total
Mobilization	1	LS	\$3,200	\$3,200.00
Culvert Cleanout	3,895	FT	\$8.00	\$31,160.00
Ditch Cleanout	319.10	STA	\$200	\$63,820.00
Misc. Sugrade Undercutting, Type IV	2,250	CYD	\$22.00	\$49,500.00
Aggregate Base, LM (21AA)	978.00	CYD	\$20.00	\$19,560.00
HMA Base Crushing and Shaping	30,527	SYD	\$2.00	\$61,054.00
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HMA Patching	46.00	TON	\$100.00	\$4,600.00
Slope Restoration	16,148	SYD	\$2.00	\$32,296.00
Additional costs to increase to 3"				\$50,000.00
Construction Sub-Total				\$645,362.50
Contingencies – 10%				\$64,536.25
Engineering, Legal, Administration – 15%				\$96,804.37
Township Contribution – 25% of project cost				(201,675.78)
<b>TOTAL</b>				<b>\$605,027.34</b>

(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:

4711-03-300-010	4711-03-402-090	4711-03-402-152	4711-03-404-214
4711-03-401-029	4711-03-402-091	4711-03-402-153	4711-03-404-215
4711-03-401-030	4711-03-402-092	4711-03-402-154	4711-03-404-216
4711-03-401-031	4711-03-402-093	4711-03-402-155	4711-03-404-217
4711-03-401-032	4711-03-402-094	4711-03-402-156	4711-03-404-218
4711-03-401-033	4711-03-402-095	4711-03-402-157	4711-03-404-219
4711-03-401-034	4711-03-402-096	4711-03-402-158	4711-03-404-220
4711-03-401-035	4711-03-402-097	4711-03-402-159	4711-03-404-221
4711-03-401-036	4711-03-402-098	4711-03-402-160	4711-03-404-222
4711-03-401-037	4711-03-402-099	4711-03-402-161	4711-03-404-223
4711-03-401-038	4711-03-402-100	4711-03-402-162	4711-03-404-224
4711-03-401-039	4711-03-402-101	4711-03-402-163	4711-03-404-225
4711-03-401-040	4711-03-402-102	4711-03-402-164	4711-03-404-226
4711-03-401-041	4711-03-402-103	4711-03-402-165	4711-03-404-227
4711-03-401-042	4711-03-402-104	4711-03-402-166	4711-03-404-228
4711-03-401-043	4711-03-402-105	4711-03-402-167	4711-03-404-229
4711-03-401-044	4711-03-402-106	4711-03-402-168	4711-03-405-230
4711-03-401-045	4711-03-402-107	4711-03-402-169	4711-03-405-231
4711-03-401-046	4711-03-402-108	4711-03-402-170	4711-03-405-232
4711-03-401-047	4711-03-402-109	4711-03-402-171	4711-03-405-233
4711-03-401-048	4711-03-402-110	4711-03-402-172	4711-03-405-234
4711-03-401-049	4711-03-402-111	4711-03-402-173	4711-03-405-235
4711-03-401-050	4711-03-402-112	4711-03-402-174	4711-03-405-236
4711-03-401-051	4711-03-402-113	4711-03-402-175	4711-03-405-237
4711-03-401-052	4711-03-402-114	4711-03-402-176	4711-03-405-238
4711-03-401-053	4711-03-402-115	4711-03-402-177	4711-03-405-239
4711-03-401-054	4711-03-402-116	4711-03-402-178	4711-03-405-240
4711-03-401-055	4711-03-402-117	4711-03-402-179	4711-03-405-241
4711-03-401-056	4711-03-402-118	4711-03-402-180	4711-03-405-242
4711-03-401-057	4711-03-402-119	4711-03-402-181	4711-03-405-243
4711-03-401-058	4711-03-402-120	4711-03-402-182	4711-03-405-244
4711-03-401-059	4711-03-402-121	4711-03-402-183	4711-03-405-245
4711-03-401-060	4711-03-402-122	4711-03-403-184	4711-03-405-246
4711-03-401-061	4711-03-402-123	4711-03-403-185	4711-03-405-247
4711-03-402-062	4711-03-402-124	4711-03-403-186	4711-03-405-248
4711-03-402-063	4711-03-402-125	4711-03-403-187	4711-10-203-001
4711-03-402-064	4711-03-402-126	4711-03-403-188	4711-10-203-002
4711-03-402-065	4711-03-402-127	4711-03-403-189	4711-10-203-003
4711-03-402-066	4711-03-402-128	4711-03-403-190	4711-10-203-004
4711-03-402-067	4711-03-402-129	4711-03-403-191	4711-10-203-005
4711-03-402-068	4711-03-402-130	4711-03-403-192	4711-10-203-006

4711-03-402-069	4711-03-402-131	4711-03-403-193	4711-10-203-007
4711-03-402-070	4711-03-402-132	4711-03-403-194	4711-10-203-008
4711-03-402-071	4711-03-402-133	4711-03-404-195	4711-10-203-013
4711-03-402-072	4711-03-402-134	4711-03-404-196	4711-10-203-014
4711-03-402-073	4711-03-402-135	4711-03-404-197	4711-10-203-015
4711-03-402-074	4711-03-402-136	4711-03-404-198	4711-10-203-016
4711-03-402-075	4711-03-402-137	4711-03-404-199	4711-10-203-017
4711-03-402-076	4711-03-402-138	4711-03-404-200	4711-10-203-018
4711-03-402-077	4711-03-402-139	4711-03-404-201	4711-10-203-019
4711-03-402-078	4711-03-402-140	4711-03-404-202	4711-10-203-020
4711-03-402-079	4711-03-402-141	4711-03-404-203	4711-10-203-021
4711-03-402-080	4711-03-402-142	4711-03-404-204	4711-10-203-022
4711-03-402-081	4711-03-402-143	4711-03-404-205	4711-10-203-023
4711-03-402-082	4711-03-402-144	4711-03-404-206	4711-10-203-024
4711-03-402-083	4711-03-402-145	4711-03-404-207	4711-10-203-025
4711-03-402-084	4711-03-402-146	4711-03-404-208	4711-10-203-026
4711-03-402-085	4711-03-402-147	4711-03-404-209	4711-10-203-027
4711-03-402-086	4711-03-402-148	4711-03-404-210	4711-10-203-028
4711-03-402-087	4711-03-402-149	4711-03-404-211	
4711-03-402-088	4711-03-402-150	4711-03-404-212	
4711-03-402-089	4711-03-402-151	4711-03-404-213	

(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 received petitions signed by 56 percent of property owners within the proposed district. 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. 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. 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 September 4<sup>th</sup>, 2012 hearing or within such further time as the Township Board may grant.

This notice is given by order of the Genoa Township Board

Dated: August 20, 2012

Paulette A. Skolarus  
Genoa Township Clerk

(Press/Argus 8-24-12)



RED OAKS ROAD IMPROVEMENT 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 August 21, 2012, 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                   , 2012.

Notary Public

# Memo

**To:** Genoa Township Board of Trustees

**From:** Frank Mancuso

**CC:** Gary McCririe, Mike Archinal, Kelly Van Marter

**Date:** 8/6/2012

**Re:** *Beek v. City of Wyoming* - Michigan Medical Marijuana Act (MMMA)

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As some of you may have heard (there has been much recent coverage in the newspapers and on television), on July 31, 2012 the Michigan Court of Appeals rendered its decision in *Beek v. City of Wyoming*, \_\_\_\_\_ Mich App \_\_\_\_\_ (2012) a case involving a challenge to the City of Wyoming's ordinance which, among other things, had the effect of prohibiting the use of marijuana within the City. This Memo will give you a summary of the case and my conclusion on what may be permitted by Township ordinances after the *Beek* decision.<sup>1</sup>

The Wyoming Ordinance that was challenged in *Beek* stated as follows:

Uses not expressly permitted under this article are prohibited in all districts. Uses that are contrary to federal law, state law, or local ordinance are prohibited. Wyoming Ordinance, Sect 90-66.

A violation of the ordinance is punishable by fines, damages, expenses and costs<sup>2</sup> along with injunctive relief<sup>3</sup>.

Under the Federal Controlled Substance Act (the CSA), marijuana is a Schedule 1 controlled substance. 21 USC 841(c)(10). Under USC 21 841(a)(1), it is unlawful for any person knowingly or intentionally to manufacture, distribute, or dispense, or possess with

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<sup>1</sup> It is quite possible that the City of Wyoming may appeal the decision of the Michigan Court of Appeals to the Michigan Supreme Court which may come to a different conclusion. Unless or until the Michigan Supreme Court rules otherwise, the *Beek* decision is the law of the State of Michigan.

<sup>2</sup> Wyoming Ordinance, Sec. 1-27(a).

<sup>3</sup> Pursuant to Section 407 of the Michigan Zoning Enabling Act, MCL 125.3407.

intent to manufacture, distribute or dispense a controlled substance. Therefore, according to the City of Wyoming Ordinance, it is a violation for an person to grow, cultivate or distribute medical marijuana within the city limits.

Under the Wyoming City Ordinance a person growing, cultivating or distributing medical marijuana is subject to penalties. Under Section 4 of Michigan's Medical Marijuana Act (the MMMA) registered, qualified medical marijuana users are not to be subject to any penalty, civil or criminal. MCL 333.26424(a). Section 90-66 of the City of Wyoming's ordinance therefore conflicts with Section 4 of the MMMA and on its face is pre-empted by state law. The City of Wyoming's position on this issue is that the MMMA is pre-empted by the CSA and therefore, the City's Ordinance is valid.

The next question then is: "is the MMMA pre-empted by the CSA?" In answering this question, we start with the general proposition that the historic police powers of the states are not to be superseded by the federal act unless that was the clear and manifest purpose of Congress. There are 3 types of federal pre-emption. Only 1 applies here - that is conflict pre-emption. There are then 2 ways that conflict pre-emption can occur. The first is impossibility pre-emption. This occurs when compliance with both the federal and state regulations is a physical impossibility. The second way is called obstacle conflict pre-emption. This occurs when a state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.

The Court reasoned that because the MMMA permits but does not mandate the medical use of marijuana, it is not physically impossible to comply with both the MMMA and the CSA at the same time and therefore, the MMMA is not pre-empted by the CSA on the basis of physical impossibility pre-emption.

With regard to obstacle pre-emption, the Court recognizes that "it cannot be disputed that state medical marijuana laws do not and cannot supersede federal laws criminalizing the possession of marijuana" but then reasons that "MCL 333.26422(c) acknowledges that although federal law currently prohibits any use of marihuana except under very limited circumstances, states are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law." (emphasis added). The Court then concludes that the immunity granted under statute was not intended to include protection from federal prosecutions<sup>4</sup> and "where Congress has the authority under Constitution to pass laws requiring or prohibiting certain acts, it lacks the power directly to compel the States to require or prohibit those acts." As such, the Court concludes that Michigan is not required to criminalize all uses of medical marijuana and the immunity afforded to the medical use of marijuana by MCL 333.26424(a) is permissible.

In light of the Court of Appeals decision in *Beek*, the next logical question becomes "what, if anything, can Townships regulate in the Medical Marijuana context?" In its decision, the Court also states "[m]oreover, defendant's ordinance does not attempt to regulate lawful conduct, but rather, attempts to completely ban the medical use of marijuana on the basis of the authority of the CSA, a federal criminal statute." In the footnote to that sentence, the Court also states "[w]e note that this is not a case where zoning laws are enacted to

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<sup>4</sup> in other words, the Federal government may still prosecute the medical use of marijuana.

regulate which areas of the city the medical use of marijuana as permitted by the MMMA may be carried out." These statements make it clear that the court leaves room for Townships to regulate "conduct" and where medical use of marijuana within the Township may be carried out so long as any such ordinances do not criminalize or penalize the growth, cultivation, or distribution of medical marijuana or do not otherwise conflict with the MMMA. Naturally, any such proposed ordinances, if any, should be carefully analyzed before they are enacted to ensure that they do not conflict with the provisions of the MMMA and the *Beek* decision.

To Board 8/20/12

July 17, 2012

Genoa Township-Mr. Mortensen  
2911 Dorr Road  
Brighton, MI 48116

Dear Mr. Mortensen:

Re: Mountain Road Proposal (Mystic Lake Hills #1 and #2)

We recently became aware of a proposal to address a road project in the Mystic Lake Hills Subdivision which reportedly began with a plan by residents on Mountain Road.

This correspondence is provided to question and to voice objection to this plan for the following reasons:

1. Mr. Bill Taylor, a Mountain Road resident and current Genoa Township Trustee candidate, approached other residents of Mystic Lake Hills regarding the project providing inaccurate information, i.e. saying that the roads are "subdivision roads," "that subdivision road replacement is not covered by our taxes," and that "we as homeowners are responsible" when the roads are in fact Livingston County Public Roads as per their own website: [www.livingstonroads.org/pdf\\_docs/2012](http://www.livingstonroads.org/pdf_docs/2012). Knowing that the roads were public roads was a premise for purchasing a home in this area for some of us. There was an expectation that it included public maintenance and repair. It has also been suggested that the LCRC must have some pre-determined policy, budget or statute about the longevity of roads and an equitable plan for maintenance, repair and replacement, and this avenue should be investigated. There also appears to be conflicting information regarding the amount per household that is being suggested. Some residents have been told \$5000 while others have been told \$10,000 via a 20 year bond or \$2000.00 per year for five years.
2. It has been suggested by the LCRC that the plan is for "replace the roads similar to what the Prairie View Sub did" on Washakie and portions of Sundance Trail, several years ago. The Prairie View road cost approximately \$1441 over four years while this proposal is estimated at \$10,000 per homeowner. The problem is, however, this type of repair did not and would not, respectively, provide a reasonable return on investment, as their roads are already cracking and have "pot holes." It is further suggested that public road construction must meet specified construction standards whereas private construction may not and the public entity can later assert they were done inadequately, releasing further responsibility. You may, if you had time, visit the road work that was done on Washakie and portions of Sundance. In addition, grass and weeds have been allowed to grow between the cement curb and asphalt. Holes are created by the weeds that freeze in winter, expand and thaw that eventually create potholes. The road commission throws some sort of gravel instead of salt in winter time that accumulates along the side of the road where weeds and grass grow. Although the street cleaner comes through in the springtime, it only moves the debris to the center of the road where traffic eventually blows it back to the side of the road for weeds and grass to grow again. And there the cycle begins again (Please see the enclosed pictures). These residents have barely paid their assessment and the roads are already coming apart. The speed humps, at a proposed \$5000 a piece, do little to actually slow traffic. As soon as cars are over the hump, they immediately speed up again according to residents living on Washakie.
3. A few years ago, the construction along Cunningham Road in Hamburg Township, i.e., the Stone Gate Subdivision repetitively brought numerous large trucks carrying very large landscape boulders and other building materials through Washakie and Sundance likely causing a premature deterioration of the roads (Please see enclosed pictures). At the time, multiple requests of the authorities to address this issue went unheeded. There has been discussion of more development in the area which would only prematurely

deteriorate a new road. Even though there has been a suggestion that the LCRC and the Townships would enforce restrictions and traffic, there really is no way to do this unless the intersection of Sundance Trail and Cunningham (across from the Stone Gate Subdivision entrance), were closed off. Also, at that time, there was an offer to have an officer stand watch but that it would be at cost to the residents of Sundance Trail. A "NO TRUCKS" sign was put in place but totally ignored. It could not be enforced before; there is no reason to believe that it could be enforced now if a new road was in place. It is known that Genoa Township requires three entrances to a subdivision while Hamburg Township, which is just the other side of Cunningham Lake Road, requires only one, thus Stone Gate and other residents cut through Sundance Trail, a public road, as previously mentioned. In addition, Copperleaf, now private, has been closed at Cunningham thus diverting even more traffic down Sundance. Apparently, Hamburg was unwilling to pave half of Cunningham even though Genoa offered to pave the other half. It seems some coordination with Hamburg Township officials needs to be considered.

4. In addition, there is additional vacant property for sale along Cunningham that has been considered for condominium development. This will again start the construction traffic through Sundance and again create undue premature deterioration of the road. Although there has been discussion for replacing the road with concrete, supposedly because it may be as costly as asphalt, we are not interested in funding this costly cement project on our roads for the convenience of any developer. And, once the proposed development was in place, it would bring even more traffic through the area. Concrete would be even more to repair or replace down the road than asphalt. One should consider that petroleum product costs may come down in the future.
5. Currently, the amount of traffic coming through Sundance Trail is one issue but the other is the constant high rate of speed at which the residents of Stone Gate and other residents travel on Sundance Trail while, oddly enough, Stone Gate has a 15 MPH speed limit sign at their own subdivision entrance. There have been numerous "close calls" for residents who attempt to ride their bikes or walk in the area because of the fast traffic. (As an aside, some residents have actually said that the holes actually slow the traffic).
6. Proponents have mentioned that declining property values are because of the roads however it is common knowledge that we are experiencing a poor economy in general. Obviously, homes on nice roads, too, are experiencing the same. Some have suggested that the cost of the project would create a financial burden for them, forcing them to sell in a difficult market which could lead to foreclosure. One homeowner said he looked at another home in Brighton but it had a road assessment and did not buy for that reason. Other residents, who have their homes for sale, would need to disclose the tax assessment to a potential buyer which could be deterrent. Some residents indicated that they are near retirement and have had their retirement plan, i.e. 401K, "take a big hit in recent years." Some residents have suggested that there are single people and seniors on a fixed income who cannot accommodate such a cost especially in light of the passing of the recent \$88 million school bond issue. Others have said that LCRC does not have the money, but neither do we.
7. Many have asked where the 51% Rule originated, how it applies, and how an individual can be forced to fund a public road project, especially of this magnitude.
8. It appears Tom Hickey is involved in meetings with LCRC and Mountain Road residents however Mr. Hickey no longer lives in Mystic Lake Hills so it is not clear where his interest lies. Other proponents live on Mountain Road and do not need to travel on Sundance, so again, where is their interest. Many of the neighbors on Sundance and Wagon have suggested that they are not interested in funding such a large project.

In summary, the Genoa Township Board has traditionally been fiscally responsible in their decisions for the township and run their "house" much the way we have to run our own households. The LCRC and Hamburg Township must have some responsibility in this matter. This PUBLIC ROAD project for Mystic Lake Hills #2, at an estimated \$960,000.00 to \$1,400,000.00, at this time is NOT prudent. WE ARE REQUESTING THAT THE REQUEST FOR A 20 YEAR BOND BE DENIED.

Thank you for your time.



Prarieview Sub



Prarieview Sub





Prarieview Sub



Prarieview Sub



Trucks on Sundance



Trucks on Sundance

## Adam VanTassell

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**From:** thomas kinczkowski <stoshtom@sbcglobal.net>  
**Sent:** Sunday, July 22, 2012 6:42 PM  
**To:** Adam VanTassell  
**Subject:** Kellogg

Dear Adam,

I was in there sometime in May to find out what I need to do about the music and noise coming from the place on Kellogg, you said that they change the speakers around and if there is a problem e-mail you, Well heres that e-mail.

I live at 831 Del Sher, Brighton, Mi. 48114 my name is Tom Kinczkowski 313-220-6576

07/15/12 about 4 p.m. when I got home I had to stay in the house due to the noise, today is 07/21/12 about 6 p.m. again the music is blaring and it is coming from the site.

07/12 was much louder then today but I can still hear the music from 3 miles away!

I asked you then and Im asking you now, WHAT is there to do STOP this problem?

By the way the 50/50 ticket numbers are 550172! I mite be wrong but I didnt play 50/50 there and I dont want to hear there music or ther 50/50 drawing anymore!!!!!!!!!!!!!!!!!!!!

## Adam VanTassell

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**From:** thomas kinczkowski <stoshtom@sbcglobal.net>  
**Sent:** Tuesday, August 07, 2012 9:21 AM  
**To:** Adam VanTassell  
**Subject:** Kellogg

Adam,

Sunday Augs. 05.2012, The Camp had a anniversary party at the camp.  
How do I know it was a anniversary party I only heard him say it like 10 time.  
I got home at 4 p.m. and for first day this month the windows where open but with the guy on loud speaks and music playing it SUCKED!

This is BULLSHIT! There must be something done NOW!!!!!!!!!!!!!!!!!!!!

I have a letter that I'm passing out to the neighbor's about this.  
We need to stop this one way or another.  
There must be something we can do? If you cant help who can? This is going to stop.

Tom Kinczkowski

## Adam VanTassell

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**From:** thomas kinczkowski <stoshtom@sbcglobal.net>  
**Sent:** Thursday, August 09, 2012 12:49 PM  
**To:** Adam VanTassell  
**Subject:** kellogg

Adam

Ok, last night I passed out about one hundred flyer's to the neighbor's around the camp. I was sent 5 e-mails this morning from neighbor's so far. So you should start getting them. If not I can e-mail the ones i get.

You stated in your e-mail that they need to turn the speakers down, they need to drop the speakers height and turn the volume DOWN!

If I can hear it from Del Sher its to damn loud! I feel sorry for the older people that stay home all weekend and they cant do anything.  
You also said you can come in on a weekend to check with a meter, meter mite pick up something but it doesn't tell you much, if its heard at my house its to LOUD!  
I'm going this route with emails first, meeting and then picking the gates then or somebody office.  
If it doesn't stop ten I'm going to find out were people live, rent a speaker system, sit in front of there house and play music till they call the cops.  
This will stop.

In one neighbors e-mail, Ann that lives on Kellogg, said that she could hear the noise with the windows closed last year. WOW!  
Bullshit! Im bitching about 2 miles away out side!

Please let me know if you if you get e-mails or forward them to me if you can.

Is there anybody else I should be e-mailing?

Thanks Tom