

**GENOA CHARTER TOWNSHIP BOARD**  
**Regular Meeting**  
**April 15, 2024**  
**6:30 p.m.**

**AGENDA**

Call to Order:

Pledge of Allegiance:

Call to the Public (Public comment will be limited to two minutes per person) \*:

**Approval of Consent Agenda:**

1. Payment of Bills: April 15, 2024
2. Request to approve the April 1, 2024 regular meeting minutes.

**Approval of Regular Agenda:**

3. Request to approve a project agreement with the Livingston County Road Commission for the Challis Road and Bauer Road Roundabout Construction and Road Relocation project together with the necessary related work with the Township's cost not to exceed \$500,000 from Road Improvement Fund #401-446-812-006.
4. Consideration of a request to ratify the 2014 METRO Act Right-of-Way Telecommunications Permit with Advanced Communications & Data (ACD.net) and to extend the current permit from August 11, 2024 to August 11, 2029.
5. Request for approval to reappoint Glynis McBain to the Planning Commission, Bill Rockwell to the Zoning Board of Appeals, and Marianne McCreary to the Planning Commission and Zoning Board of Appeals with a term ending June 30, 2027 as recommended by the Township Supervisor.

Correspondence  
Member Discussion  
Adjournment

\*Citizen's Comments- In addition to providing the public with an opportunity to address the Township Board at the beginning of the meeting, opportunity to comment on individual agenda items *may* be offered by the Chairman as they are presented.

BOARD PACKET

CHECK REGISTERS FOR TOWNSHIP BOARD MEETING

MEETING DATE: April 15, 2024

All information below through April 10, 2024

TOWNSHIP GENERAL EXPENSES	\$	172,192.84
April 12, 2024 Bi Weekly Payroll	\$	123,427.76
OPERATING EXPENSES DPW (503 FN)	\$	5,032.79
OPERATING EXPENSES Oak Pointe (592FN)	\$	4,676.03
OPERATING EXPENSES Lake Edgewood (593FN)	\$	156,747.68
TOTAL	\$	<u>462,077.10</u>

**FNBCK Check Register**

Check Date	Check	Vendor Name	Amount
Bank FNBCK CHECKING ACCOUNT			
04/01/2024	38815	COMCAST	277.76
04/01/2024	38816	DELTA DENTAL	4,204.98
04/01/2024	38817	FEDERAL EXPRESS CORP	49.69
04/01/2024	38818	LIVINGSTON CO ASSESSORS ASSOCIATION	30.00
04/01/2024	38819	MUTUAL OF OMAHA	3,088.06
04/02/2024	38820	ALLSTAR ALARM LLC	345.00
04/02/2024	38821	COOPER'S TURF MANAGEMENT LLC	3,072.00
04/02/2024	38822	COOPER'S TURF MANAGEMENT LLC	388.00
04/02/2024	38823	DTE ENERGY	34.11
04/02/2024	38824	GORDON FOOD SERVICE	216.81
04/02/2024	38825	MEI TOTAL ELEVATOR SOLUTIONS	167.87
04/02/2024	38826	MICHIGAN OFFICE SOLUTIONS	264.15
04/02/2024	38827	NETWORK SERVICES GROUP, L.L.C.	124.00
04/02/2024	38828	NETWORK SERVICES GROUP, L.L.C.	50.00
04/02/2024	38829	PERFECT MAINTENANCE CLEANING	750.00
04/10/2024	38830	COMCAST	656.32
04/10/2024	38831	CONTINENTAL LINEN SERVICE	150.53
04/10/2024	38832	DTE ENERGY	295.13
04/10/2024	38833	DTE ENERGY	1,178.68
04/10/2024	38834	EHIM, INC	10,140.13
04/10/2024	38835	ELECTION SOURCE	982.28
04/10/2024	38836	FEDERAL EXPRESS CORP	109.08
04/10/2024	38837	LIVINGSTON COUNTY TREASURER	2,177.21
04/10/2024	38838	MICHIGAN OFFICE SOLUTIONS	597.09
04/10/2024	38839	PACKERLAND RECORDS MANAGEMENT	120.00
04/10/2024	38840	PITNEY BOWES, INC	265.58
04/10/2024	38841	PRINTING SYSTEMS	256.44
04/10/2024	38842	SAFEBUILT LLC	6,102.62
04/10/2024	38843	SECURITY LOCK SERVICE, INC	308.00
04/10/2024	38844	TERRY CROFT	64.32
04/10/2024	38845	TETRA TECH INC	5,555.00
04/10/2024	38846	UNITED STATES POSTAL SERVICE	320.00
04/10/2024	38847	WASTE MANAGEMENT CORP, SERVICES	129,852.00
<b>FNBCK TOTALS:</b>			
Total of 33 Checks:			172,192.84
Less 0 Void Checks:			0.00
Total of 33 Disbursements:			<b>172,192.84</b>

**April 12, 2024 Bi Weekly Payroll**

PAYROLL REGISTER REPORT FOR GENOA CHARTER TOWNSHIP						Page 35 of 35
Payroll ID: 278						
Pay Period End Date: 04/05/2024 Check Post Date: 04/12/2024 Bank ID: FNBCK						
* YTD values reflect values AS OF the check date based on all current adjustments, checks, void checks						
ZBA MINUTES OT	0.00	0.00	0.00	0.00		
ZBA PER DIEM	0.00	0.00	0.00	610.35		
Gross Pay This Period	Deduction Refund	Ded. This Period	Net Pay This Period	Gross Pay YTD	Dir. Dep.	
122,850.78	388.38	36,713.99	86,136.79	973,995.22	<b>86,136.79</b>	

Check Register Report For Genoa Charter Township								Page 1 of 1
For Check Dates 04/12/2024 to 04/12/2024								
Check Date	Bank	Check Number	Name	Check Gross	Physical Check Amount	Direct Deposit	Status	
04/12/2024	FNBCK	EFT917	FLEX SPENDING (TASC)	1,013.16	1,013.16	0.00	Open	
04/12/2024	FNBCK	EFT918	INTERNAL REVENUE SERVICE	29,509.87	29,509.87	0.00	Open	
04/12/2024	FNBCK	EFT919	PRINCIPAL FINANCIAL	5,371.00	5,371.00	0.00	Open	
04/12/2024	FNBCK	EFT920	PRINCIPAL FINANCIAL	1,396.94	1,396.94	0.00	Open	
<b>Totals:</b>				Number of Checks: 004	37,290.97	<b>37,290.97</b>	0.00	
Total Physical Checks:								
Total Check Stubs:				4				

Direct Deposit           \$86,136.79  
 Physical Check Amount **\$37,290.97**  
**TOTAL                   \$123,427.76**

503FN Check Register

Check Date	Check	Vendor Name	Amount
Bank 503FN DPW-UTILITIES #233			
04/09/2024	6064	WEX BANK	5,032.79
503FN TOTALS:			
Total of 1 Checks:			5,032.79
Less 0 Void Checks:			0.00
Total of 1 Disbursements:			5,032.79

592FN Check Register

Check Date	Check	Vendor Name	Amount
Bank 592FN OAK POINTE OPERATING FUND #592			
03/27/2024	6065	AT&T LONG DISTANCE	97.33
04/09/2024	6066	AT&T LONG DISTANCE	123.55
04/09/2024	6067	DTE ENERGY	587.34
04/09/2024	6068	DTE ENERGY	3,327.71
04/09/2024	6069	DTE ENERGY	540.10
592FN TOTALS:			
Total of 5 Checks:			4,676.03
Less 0 Void Checks:			0.00
Total of 5 Disbursements:			4,676.03

593FN Check Register

Check Date	Check	Vendor Name	Amount
Bank 593FN LAKE EDGEWOOD OPERATING FUND #590			
04/09/2024	4429	BRIGHTON TOWNSHIP	662.50
04/09/2024	4430	D'ANGELO BROTHERS INC.	151,070.00
04/09/2024	4431	DTE ENERGY	5,015.18
593FN TOTALS:			
Total of 3 Checks:			156,747.68
Less 0 Void Checks:			0.00
Total of 3 Disbursements:			156,747.68

**GENOA CHARTER TOWNSHIP BOARD**  
**Regular Meeting**  
**April 1, 2024**

**MINUTES**

Supervisor Rogers called the regular meeting of the Genoa Charter Township Board to order at 6:30 pm at the Township Hall. The following members were present constituting a quorum for the transaction of business: Bill Rogers, Paulette Skolarus, Jean Ledford, Terry Croft, Robin Hunt, and Diana Lowe. Absent was Jeff Dhaenens. Also present was Township Manager Kelly VanMarter, Township Attorney Joseph Seward, and 23 people in the audience.

The Pledge of Allegiance was recited.

The call to the public was opened at 6:31 pm.

Ms. Colleen Quinn of 4042 Brookstone Court spoke regarding the ACLU press release. She cited the voter law that states ineligible voters are to be removed from the voter roll. She supports Polly and her staff with this federal requirement to maintain accurate voter rolls. She visited voters in the township and they provided the names of voters who no longer live at their residence.

Ms. Janine Iyer of 2396 Brighton Road, president of Stand Up Livingston stated that she developed an affidavit where the resident would sign stating who was no longer living at their home and were still on the voter roll. She believes that Polly acted correctly by removing those voters from the voter roll. She also cited the law where it states a clerk shall wait two years before removing someone from the roll and the ACLU should not criticize Polly for doing her job.

Ms. Hale of 3148 Beck Road Hale is opposed to the PUD at Latson and I-96. She requested that the Board keep this a residential, rural community. She moved here to live in the country.

The call to the public was closed at 6:33 pm.

**Approval of Consent Agenda:**

Ms. Skolarus requested to have changes made to the Member Discussion section of the minutes. Ms. VanMarter stated that the minutes should reflect what was said. Ms. Skolarus stated she would like to have it clarified as to what she should have said. Ms. Hunt suggested leaving the minutes as presented and Ms. Skolarus should clarify what she meant to say during Member Discussion this evening.

**Moved** by Skolarus, supported by Lowe, to approve the Consent Agenda as presented. **The motion carried unanimously.**

- 1. Payment of Bills: April 1, 2024**
- 2. Request to approve March 18, 2024 regular meeting minutes.**



**Approval of Regular Agenda:**

**Moved** by Ledford, supported by Lowe, to approve the Regular Agenda as presented. **The motion carried unanimously.**

**3. Request for approval of the Uniform Video Service Local Franchise Agreement with WideOpenWest Mid-Michigan, LLC (WOW! Internet, TV & Phone) including the revisions recommended by Township staff and counsel.**

Mr. Bryant Murray, Operations Manager of WOW in Southeast Michigan, stated they are bringing fiber to the township to allow for up to five gig service.

Mr. Mike Watzka has been retained by the Township to represent them with regard to the agreement with WOW.

Ms. VanMarter stated that at the last meeting, Mr. Dhaenens asked if WOW was going to be installing new infrastructure or using Comcast's and will streaming services be included in the revenue part of the agreement. She stated that they are installing new fiber and the current law does not allow revenue on internet, but the language has been put into the agreement so that it can be opened up and added if the law changes. The township will; however, receive revenues for streaming platforms provided by WOW.

A question was raised today asking how the township will know that the revenue being provided is accurate with respect to the number of subscribers. Mr. Watzka stated that there are companies that conduct audits for municipalities to ensure that the revenues are accurate, but the Township would need to pay for the audit.

Mr. Watzka stated receiving revenue for WOW's streaming service as well as allowing revenue to be received from other streaming services if the law is changed is very unique.

Ms. VanMarter stated that language regarding restoration has also been added to the agreement.

**Moved** by Hunt, supported by Croft, to approve the Uniform Video Service Local Franchise Agreement with WideOpenWest Mid-Michigan, LLC (WOW! Internet, TV & Phone) dated February 2, 2024, subject to inclusion of the revisions recommended by Township staff and counsel. **The motion carried unanimously.**

**4. Consideration of a recommendation for approval of a special land use application, environmental impact assessment, and site plan to allow for a proposed automatic car wash. The site is on the northern portion of vacant parcel #4711-04-300-017**

**located on the east side of Latson Road south of Grand River Avenue. The request is petitioned by CWP West, LLC.**

**A. Disposition of Special Use Application.**

**B. Disposition of Environmental Impact Assessment (1-16-24)**

**C. Disposition of Site Plan (3-14-24)**

Mr. Brent LaVanway of Boss Engineering, Ms. Nicole Castern of Mister Car Wash, and Mr. Travis Sokana of Symmetry Management were present.

Mr. LaVanway provided a review of the project, which is a car wash with vacuums. They have worked with the staff, the township planner and Planning Commission on this project, as well as for the next item on tonight's agenda.

Ms. Hunt stated this is a lot on a small lot but relies on township staff and the Planning Commission. She is concerned with the right in/right out driveway. They do not work. The Livingston County Road Commission's (LCRC) letter states that that right in and right out will not function properly with the wider roadways. Mr. LaVanway stated they have had many discussions with the Brighton Area Fire Authority (BAFA) and LCRC and they agree this is the best solution as the Fire Marshal is requiring these drives to be wider as well as two access points. They all believe that this will be the secondary access. This car wash will be used by local residents and they will learn which driveway to use that is appropriate for them. He noted that signalization may be added in the future. Additionally, they are researching a cross access easement with the property to the north.

Supervisor Rogers agrees with Ms. Hunt. Ms. Skolarus is in support of this as it has been done previously in the township. Ms. VanMarter stated staff prefers to have the narrower entrance drives or to have the right in/right out eliminated completely, so they are requesting the LCRC, BAFA, and the applicant continue to work together.

Ms. Hunt does not agree with allowing underground stormwater storage tanks. She reiterated her concern that this site is very tight, which is why these are needed. She would like to encourage the engineer and Planning Commission to only approve these underground storage tanks in extreme cases in the future.

Mr. Croft understands why the Fire Department would like the wider entranceways. He is in favor of them being wider as requested by BAFA.

**Moved** by Hunt, supported by Lowe, to approve the Special Use Permit to allow for a proposed automatic car wash on the northern portion of vacant parcel #4711- 04-300-017. The site is located on the east side of Latson Road, south side of Grand River Avenue. The special land use standards of Section 19.03 are generally met and the conditions of Section 7.02.02(l) have been met. **The motion carried unanimously.**

**Moved** by Lowe, supported by Hunt, to approve the Environmental Impact Assessment dated January 16, 2024 to allow for a proposed automatic car wash on the northern portion of vacant parcel #4711-04-300-017. The site is located on the east side of Latson Road, south side of Grand River Avenue with the following condition:

- Official approval from MDOT for the stormwater discharge shall be submitted prior to land use permit issuance.

**The motion carried unanimously.**

**Moved** by Hunt, supported by Lowe, to approve of the Site Plan dated March 14, 2024 to allow for a proposed automatic car wash on the northern portion of vacant parcel #4711-04-300-017. The site is located on the east side of Latson Road, south side of Grand River Avenue, with the following conditions:

- The required concrete pad at the Dumpster enclosure shall be installed.
- The property split shall be approved prior to land use permit issuance.
- The limited access driveway should remain at 15-foot width or preferably be eliminated. The applicant shall work with the Livingston County Road Commission, Brighton Area Fire Dept., and Township staff on the final design.
- The applicant shall use all available efforts to establish the connection to the north.
- An executed cross access easement with the property to the south shall be submitted and recorded prior to land use permit issuance.
- All site plan review overage fees must be paid prior to issuance of a land use permit.

**The motion carried unanimously.**

**5. Consideration of a recommendation for approval of a special land use application, environmental impact assessment, and site plan to allow for a proposed multi-tenant commercial center including a drive-through coffee shop and outdoor seating restaurant. The site consists of vacant parcels #4711-04-300-017 and 4711-09-100-004 and is located on the east side of Latson Road, south of Grand River Avenue. The request is petitioned by Kevin Bahnam, 1015 Latson Road LLC.**

**A. Disposition of Special Use Application.**

**B. Disposition of Environmental Impact Assessment (1-16-24)**

**C. Disposition of Site Plan (3-14-24)**

Mr. Brent LaVanway of Boss Engineering, Mr. Jeff Klatt, the architect, and Mr. Travis Sokana with Symmetry Management were present.

Mr. LaVanway provided a review of the project, which will have multiple tenants, one of which is a drive thru. They will need a variance from the ZBA for the drive thru as it is within 500 feet of another drive thru restaurant. They will be on their April agenda.



Ms. Hunt reiterated her concerns for the underground storage tanks for stormwater, but the engineer and Planning Commission approved them. She likes the building design. She confirmed that the existing entrance drive on Latson will be removed and Mr. LaVanway stated, "yes".

Supervisor Rogers likes the building design as well. He asked if the applicant knew what the other tenants would be and if they would be combined. Mr. Lavanway stated that the amount of parking available will determine what uses can be here.

**Moved** by Skolarus, supported by Lowe, to approve the Special Use Permit to allow for a proposed multi-tenant commercial center including a drive-through coffee shop and outdoor seating restaurant located on vacant parcels #4711-04-300-017 and 4711-09-100-004. The site is located on the east side of Latson Road, south side of Grand River Avenue with the following condition:

- A variance from the Zoning Board of Appeals shall be obtained for the 500-foot requirement from an existing drive-through.

**The motion carried unanimously.**

**Moved** by Lowe, supported by Hunt, to approve the Environmental Impact Assessment dated January 16, 2024 to allow for a proposed multi-tenant commercial center including a drive-through coffee shop and outdoor seating restaurant located on vacant parcels #4711-04-300-017 and 4711-09-100-004. The site is located on the east side of Latson Road, south side of Grand River with the following condition:

- Official approval from MDOT for the stormwater discharge shall be submitted prior to land use permit issuance.

**The motion carried unanimously.**

**Moved** by Ledford, supported by Lowe, to approve of the Site Plan dated March 14, 2024 to allow for a proposed multi-tenant commercial center including a drive through coffee shop and outdoor seating restaurant located at vacant parcels #4711-04-300-017 and 4711-09-100-004. The site is located on the east side of Latson Road, south side of Grand River Avenue, with the following conditions:

- The required concrete pad for the Dumpster enclosure shall be installed.
- The reconfiguring of the parcels shall be approved prior to land use permit issuance.
- An executed cross access easement with the property to the north shall be submitted and recorded prior to land use permit issuance.
- All site plan review overage fees must be paid prior to issuance of a land use permit.

**The motion carried unanimously.**

**6. Consideration of a recommendation for approval of a special land use application, environmental impact assessment, and site plan to allow for outdoor RV/camper storage. The site is located at 2630 Grand River Avenue on the south side of Grand**

**River Avenue, east of Chilson Road. The request is petitioned by Schafer Construction.**

**A. Disposition of Special Use Application**

**B. Disposition of Environmental Impact Assessment (11-29-23)**

**C. Disposition of Site Plan (2-16-24)**

Mr. Luke Wenger of Greentech Engineering was present and provided a review of the project. They are requesting approval to allow for the storage of RV's and campers. The Planning Commission recommended approval, conditioned upon the fence being chain link with fabric instead of the slats as originally proposed. They will comply with that condition.

Ms. Hunt thanked the applicant for the improvements to the building and the site.

**Moved** by Skolarus, supported by Ledford, to approve the Special Use Permit to allow for outdoor RV/camper storage at 2630 Grand River Avenue. **The motion carried unanimously.**

**Moved** by Hunt, supported by Lowe, to approve the Environmental Impact Assessment dated February 16, 2024 to allow for outdoor RV/camper storage at 2630 Grand River Avenue. **The motion carried unanimously.**

**Moved** by Ledford, supported by Croft, to approve the site plan dated February 16, 2024 to allow outdoor RV/camper storage at 2630 Grand River Avenue with the following condition:

- The slat material shown on the details of the fencing shall be switched for a fabric material to be attached to the existing chain link fence and shall be maintained in good condition.

**The motion carried unanimously.**

**7. Request for review and approval of a Certificate of License to conduct an outdoor assembly not to exceed 5,000 attendees on June 22, 2024 from 4:00pm to 10:00pm for the "Yellowstone Country Music Festival" to be located at Mt. Brighton Ski Resort, 4141 Bauer Road, Brighton, MI 48116. The request is petitioned by the Greater Brighton Area Chamber of Commerce.**

Ms. Linda Carey of the Brighton Area Chamber of Commerce was present.

Ms. Skolarus stated that the letter from Ms. Ruthig states 3,000 attendees but the agenda states 5,000 attendees. She would like it to be limited to 3,000 attendees. Ms. Carey stated they are only requesting a limit of 3,000.

Ms. Lowe asked if there were complaints from last year's event. Ms. Carey stated they did not have any complaints for this event. There was one for the Smokin' Jazz Festival, which will be held downtown Brighton this year. Ms. Lowe would like any complaints to be addressed immediately. Ms. Carey stated that Ms. VanMarter received a complaint that evening, forwarded

it to her, and she called the resident immediately. Supervisor Rogers stated having only one complaint is a great accomplishment. He is glad the event is being held again this year. Ms. Lowe stated a letter was received by Mr. Doa suggesting having it at the Amphitheater downtown. Ms. Carey stated if it is there, they cannot charge admission like they can do here.

There was a question asking how the neighbors will know of the event. Ms. Carey said they will advertise the event, including putting it on social media. Ms. Hunt asked Ms. Carey to send the information to the township so they can assist with advertising.

**Moved** by Hunt, supported by Ledford, to approve the Certificate of License to conduct an outdoor assembly not to exceed 3,000 attendees on June 22, 2024 from 4:00pm to 10:00pm for the "Yellowstone Country Music Festival" to be located at Mt. Brighton Ski Resort, 4141 Bauer Road, Brighton, MI 48116, conditioned upon all requirements of the Genoa Charter Township Assembly Ordinance and as outlined in Ms. Ruthig's letter dated March 27, 2024. **The motion carried unanimously.**

**8. Request for approval of a proposal from Dell for Township employee computer rotation at a cost not to exceed \$4,989.60 from Capital Outlay <\$5,000 fund #101-900-975-000 as requested by Adam VanTassell, IT/Facilities Director.**

**Moved** by Lowe, supported by Skolarus, to approve the proposal from Dell for the purchase of six new workstations for \$4,989.60. **The motion carried unanimously.**

**9. Request for approval of a proposal from Secure Tech Group for additional security cameras to monitor the Survivor park and basketball court area at a cost not to exceed \$12,303 from Parks and Recreation: Security Upgrades fund #208-751-934-013 as requested by Adam VanTassell, IT/Facilities Director.**

Ms. Skolarus asked if a camera will be on the absentee ballot box as required by law. Supervisor Rogers stated it is already there. Ms. VanMarter stated that camera was in place prior to the drop box being installed as it was required by law. These cameras will provide a second view of the drop box and will also provide clear video of license plates, etc.

**Moved** by Lowe, supported by Skolarus, to approve the proposal from SecureTech for the purchase of six new cameras and equipment for \$12,302.13. **The motion carried unanimously.**

**10. Request for approval of the Memorandum of Understanding with Howell Parks and Recreation (HAPRA) for park maintenance services and support for \$1,000 per month plus hourly rates for additional work orders and to eliminate the park trash collection Monday-Friday with Perfect Maintenance for cost savings to the Township of \$200 each month.**

Mr. Kyle Tokan, the operations manager for Howell Parks and Rec was present and stated they have the personnel to assist with the needs due to the additions made to the township hl site.

**Moved** by Lowe, supported by Croft, to approve the Memorandum of Understanding with Howell Parks and Recreation for park maintenance services and support for \$1,000 per month plus hourly rates for additional work orders and to eliminate the park trash collection Monday-Friday with Perfect Maintenance for a cost savings to the Township of \$200 each month. **The motion carried unanimously.**

**11. Request for approval of the agreement and proposal with Perfect Maintenance Cleaning Services to include a third weekly cleaning of the Township Hall for \$1,100 per month.**

Ms. VanMarter reviewed her memo to the Board.

Ms. Lowe noted that the township has recently begun to allow this board meeting room to be used free of charge and asked if that contributes to the need for additional cleaning. Ms. VanMarter agrees that renting the room does create some operational issues; however, if a policy and fee schedule were put in place, staff would need to oversee the process, the use of the building, collect the fees, etc.

Ms. Hunt noted that with the new Survivor Park and having this building being rented out, parking is an issue. Supervisor Rogers stated that the Survivor Park itself has required the need for additional parking.

Ms. Hunt added that there is a group that uses this room very often and that requires extra cleaning of the room and the restrooms. Until there is additional parking, she suggested that the larger groups are no longer allowed to use it.

Ms. VanMarter would like the additional cleanings to be approved, even if the building is not used by other groups.

Ms. Skolarus would like the township to hire a permanent cleaning person to clean the building and the outside grounds.

Ms. Hunt would like to continue the discussion regarding the use of the board meeting room.

**Moved** by Skolarus, supported by Hunt, to approve the Service Agreement with Perfect Maintenance Cleaning Services to include a third weekly cleaning of the Township Hall for \$1,100 per month. **The motion carried unanimously.**

**12. Review of ACLU press release and letter to the Township Clerk regarding improper removal of voters.**

Ms. Skolarus thanked Jeanine and Colleen for coming and voicing their support for her. She appreciates it. She received an email from Jeanine from Stand Up Livingston advising that they are a group of citizens who formed a team to investigate the Qualified Voter File (QVF). They investigate and find voters who may have moved and ask her to update the QVF. She noted that some residents are in the service or live out of the country and are still able to vote. She has prepared a large binder that has information that she has gathered regarding information from the ACLU, Secretary of State, Jeanine, allegations of voter fraud, articles from the New York Times, etc. She has a book based on a 1954 law. She has never received an updated book, except for information regarding early voting. She complied with the email from the ACLU and the Secretary of State. She places people on the challenged voter list until after two general elections.

Supervisor Rogers stated he asked to have this item on the agenda because he wants all of the Trustees to be aware of this in case questions arise from constituents or the media. Ms. Hunt feels badly that Ms. Skolarus is in the middle of Stand up Livingston and the ACLU. She wants to ensure that the township is following the law.

Ms. Skolarus stated that she has complied with the requests of the ACLU. Ms. Hunt wants to ensure that the other requests from them are done by the date of April 15, 2024. Ms. Lowe asked if anyone was denied the right to vote in February, and Ms. Skolarus stated, "no".

Ms. Iyer asked to speak to the board. She stated that Polly is doing her job conscientiously. She answers to the Secretary of State and her constituents. She thinks the ACLU is out of line and she does not believe Polly needs to comply with their requests. She must comply with the federal voter law and have a clean voter roll. She noted that she is already understaffed.

Mr. Seward stated the requirements of the statutes are very specific with a challenged voter and what has to be done. He wants to ensure that the proper mailings have been done and that voters have not been removed from the QVF without the proper and correct information. Ms. Skolarus stated she has herself and one other part time employee in her office, so it is very difficult to meet all of these requirements. She has asked the Board for additional employees and has been denied. Ms. Hunt stated there are two part-time employees in the clerk's office. Ms. Lowe noted that Human Resources recommended that a new employee not be hired at this time.

Ms. Skolarus stated she has to send Registered Mail to the voters and they cost \$5.00 each, and she did not want to spend that money. Supervisor Rogers advised Ms. Skolarus that is not her decision to make. Ms. VanMarter asked if the Clerk has ever sent the required registered or

certified mail. Ms. Skolarus responded that she has not. There was a discussion regarding what mailings must be done and what voters can or cannot be removed from the QVF based on the information that she has and the statutes. Ms. Skolarus stated this is a very complicated process and she wants to make sure it is done properly. She wants to address all of the questions and concerns brought to her by the residents, the ACLU, and the Secretary of State.

Ms. VanMarter appreciates the residents helping to ensure that the voter files are accurate. The township should address the information that was brought to it. Everyone has the same goal, which is accurate voter files.

Ms. Skolarus stated a resident in Genoa Township voted twice- in the last election. She voted as an absent voter and then she went to the polls. The person who was working at the polls overrode the note that stated she voted absentee, and she was issued a ballot and voted. She spoke to the County and this happened with five or six people who also did this in the State of Michigan.

### **Correspondence**

Ms. VanMarter reviewed the letter that she sent to residents on Debora Drive. Some residents there are seeking to have it repaved, so she is having an informational meeting to present it to the neighborhood.

### **Member Discussion**

Supervisor Rogers questioned the status of the Pine Creek SAD. Ms. VanMarter stated that the Michigan Tax Tribunal has provided preliminary support of this SAD. Once it has been filed, the applicants would be able to file an appeal. She will be bringing this back to the Board for review.

Ms. Skolarus stated she wanted to have changes made to the Member Discussion portion of the minutes of the March 18 meeting. She wants the word "lessened" changed to "deleted", "these voters" changed to "some voters" and "She prefers to wait 12 years before she removes voters." changed to "She prefers to wait until after the presidential election this coming November before removing any voters from the Qualified Voter File". Also, she understands that people believe the election was stolen but no one in the township who voted was dead.

Ms. VanMarter stated the township received the keys to the Lyle Herbst home. She will be reaching out to the Board so each of them can have a tour of the house. Supervisor Rogers stated they will be visiting the home with the building department and Brighton Area Fire Authority.

### **Adjournment**



**Moved** by Hunt, supported by Lowe, to adjourn the meeting at 8:26 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas  
Recording Secretary

Approved: Paulette Skolarus, Clerk  
Genoa Charter Township

Bill Rogers, Supervisor  
Genoa Charter Township

DRAFT



2911 Dorr Road  
Brighton, MI 48116  
810.227.5225  
810.227.3420 fax  
genoa.org

## MEMORANDUM

**TO:** Honorable Board of Trustees  
**FROM:** Kelly VanMarter, Township Manager  
**DATE:** April 10, 2024  
**RE:** Project Agreement – Challis Road and Bauer Road Roundabout

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Please find attached the Project Agreement from the Livingston County Road Commission for the Challis/Bauer Road roundabout and road relocation project. The Township’s contribution to the project is \$500,000. This amount is included in the Road Improvement Fund budget and the following motion is provided for your consideration:

**Moved** by \_\_\_\_\_ and **supported** by \_\_\_\_\_ to approve a project agreement with the Livingston County Road Commission for the Challis Road and Bauer Road Roundabout Construction and Road Relocation together with the necessary related work with the Township’s cost not to exceed \$500,000 from Road Improvement Fund #401-446-812-006.

Sincerely,

Kelly VanMarter

**SUPERVISOR**

Bill Rogers

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**TRUSTEES**

Jean W. Ledford

Terry Croft

Diana Lowe

Jeff Dhaenens

**MANAGER**

Kelly VanMarter

# PROJECT AGREEMENT

JOB NUMBER: 459.0070AT

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by and between the TOWNSHIP of GENOA, Livingston County, Michigan, hereinafter referred to as the "TOWNSHIP," and the BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF LIVINGSTON, hereinafter referred to as the "ROAD COMMISSION."

## WITNESSETH

The Road Commission and the Township have selected the following roads to be improved as described below:

**CHALLIS ROAD AND BAUER ROAD  
ROUNDBOUT CONSTRUCTION  
AND ROAD RELOCATION  
ALTOGETHER WITH THE NECESSARY RELATED WORK**

The parties agree as follows:

1. The awarded construction bid for the project is \$5,073,401. After Federal Aid is applied (\$2,900,852), the remaining cost of the project is \$2,172,549. The Township shall pay the Road Commission \$500,000 of this remaining cost. The remaining balance will be paid by the Road Commission.
  - A. The balance shall be paid promptly as invoiced.
  - B. The Road Commission shall furnish the Township with a final breakdown of its actual expenses upon completion of the project.
  - C. The Township will not withhold payments because of any set-off, counterclaim, or any other claim which it may have against the Road Commission arising out of this or any other matter. If there is a dispute over the balance due upon completion, the Township will pay the amount claimed by the Road Commission, and such payment shall not be a waiver by the Township of any claims it may have arising from this contract and the completion of the project.
2. All work shall be performed in a good workmanlike manner and in accordance with plans and specifications adopted by the Road Commission.
3. The work will be completed within the current contract year, unless the parties otherwise so agree.
4. In the event the project cannot be completed due to circumstances beyond the control of the Road Commission, and through no fault of the Road Commission, the contract price for later completion will be subject to renegotiation.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals the date and year first above written.

**TOWNSHIP OF GENOA**

**BY:** \_\_\_\_\_  
**KELLY VANMARTER, MANAGER**

\_\_\_\_\_  
**PAULETTE SKOLARUS, CLERK**

**BOARD OF COUNTY ROAD COMMISSIONERS  
OF THE COUNTY OF LIVINGSTON**

**BY:** \_\_\_\_\_  
**STEVEN J. WASYLK, MANAGING DIRECTOR**

\_\_\_\_\_  
**SARAH NEWTON, DIRECTOR OF FINANCE**



2911 Dorr Road  
Brighton, MI 48116  
810.227.5225  
810.227.3420 fax  
genoa.org

## MEMORANDUM

**TO:** Honorable Board of Trustees  
**FROM:** Kelly VanMarter, Township Manager  
**DATE:** April 109, 2024  
**RE:** ACD.net METRO Act Permit

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Please find attached a request for an extension to the METRO Act Right of Way permit for ACD.net. Upon review of Township records I can find no formal Board approval for the original permit that was executed in 2014. I was able to find where the Board approved an extension in 2019, but there is no record of authorization for the 2014 permit. For this reason, I am requesting formal Board ratification of the 2014 permit and also requesting approval for the current extension request.

**Moved** by \_\_\_\_\_ and **supported** by \_\_\_\_\_ to ratify the 2014 METRO Act Right-of-Way Telecommunications Permit with Advanced Communications & Data (ACD.net) to extend the current permit from August 11, 2024 to August 11, 2029.

Sincerely,

Kelly VanMarter

**SUPERVISOR**

Bill Rogers

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**TRUSTEES**

Jean W. Ledford

Terry Croft

Diana Lowe

Jeff Dhaenens

**MANAGER**

Kelly VanMarter



January 3<sup>rd</sup> 2024

Genoa Charter Township  
2911 Dorr Road  
Brighton , MI 48116

**METRO ACT RIGHT OF WAY PERMIT EXTENSION**

Dear Genoa Charter Township:

At this time, KEPS Technologies, Inc. dba ACD.net would like to extend the existing METRO Act we have with your municipality. Our current agreement expires on 8/11/2024. We would like to extend that to 8/11/2029.

If you are in agreement with this extension, please sign this agreement on the lines provided below and return within 30 days to KEPS Technologies, Inc. dba ACD.net at the address listed on the letterhead or emailed to [osp@acd.net](mailto:osp@acd.net) . ACD will countersign and return a copy for your files.

Additional information regarding this renewal request and other METRO Act information, may be found at <http://www.michigan.gov/mpsc/>.

If you have any questions, please contact the Permitting Department at 517-999-9999 or at [OSP@acd.net](mailto:OSP@acd.net).

Thank you for your time and cooperation in this matter that both benefits you and your constituents.

Agreed to on behalf of  
Genoa Charter Township

KEPS Technologies, Inc. dba ACD.net  
acknowledges receipt of this Permit  
Extension granted by

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

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

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

KEPS Technologies, Inc. d/b/a ACD.net  
1800 N. Grand River Ave.  
Lansing, MI 48906

517.999.9999





**7. Request for approval of Resolution #1 (to proceed with the project and direct preparation of the plans and cost estimates) for Elmhurst Drive Road Improvement Project Summer 2020. (Roll Call)**

Moved by Ledford and supported by Lowe to approve Resolution #1 spreading the cost to existing homeowners within the district. Should the three vacant parcels within the district be developed within the next seven years the assessment will be re-evaluated to distribute the cost to the new construction. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers Nays – None.

**8. Request for approval of Resolution #2 (to approve the project, schedule the first hearing, and direct issuance of statutory notices) for the Elmhurst Drive Road Improvement Project Summer 2020. (Roll Call)**

Moved by Skolarus and supported by Croft to approve Resolution #2 for The Elmhurst Drive Road Improvement Project as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers Nays – None.

**9. Request to approve a contract with the Livingston County Road Commission for overband crack sealing approximately .98 miles of Timberbend and Old Hickory Road at a cost not to exceed \$7,000.00.**

Moved by Hunt and supported by Croft to approve the contract with the expenditure from Fund 261 as previously budgeted for crack sealing of Timberbend and Old Hickory Road. The motion carried unanimously.

**10. Consider a request from Advanced Communications and Data for a permit extension to the Metro Act Right of Way to expire August 11, 2024.**

Moved by Lowe and supported by Mortensen to approve the request for a permit from Advanced Communications and Data subject to advice from Neil Lehto asking for the advantage or disadvantage of the permit extension. The motion carried unanimously.

**11. Request to approve the proposal from Renovations Roofing for the Township Hall roof replacement at a cost not to exceed \$56,205.00.**

Moved by Mortensen and supported by Croft to approve the proposal for a replacement of the township hall roof as requested with the understanding that the Township Manager may address unforeseen additional expenditures. The motion carried unanimously.

Moved by Lowe and supported by Ledford to amend the Buildings and Grounds Budget No. 271 increasing capital outlay from \$10,000.00 to 60,000.00. The motion carried unanimously.

**12. Consider approval of a contract with Pfeffer, Hanniford and Palka to provide auditor services.**



August 6, 2019

Genoa Charter Township  
2911 Dorr Rd  
Brighton, MI 48116

**METRO ACT RIGHT OF WAY PERMIT EXTENSION**

Dear Genoa Charter Township:

We, KEPS Technologies, Inc. dba ACD.net; would like to extend the existing METRO Act we have with your municipality. Our current agreement expires on 8/11/2019. We would like to extend the agreement to 8/11/2024.

If you agree with this extension, please sign both copies of this agreement on the lines provided below and return within 30 days to KEPS Technologies, Inc. dba ACD.net at the address listed on the letterhead. ACD will countersign both and return one copy for your files.

Additional information regarding this renewal request and other METRO Act information, may be found at <http://www.michigan.gov/mpsc/>.

If you have any questions, please contact the Permitting Department at 517-999-9999.

Thank you for your time and cooperation in this matter that both benefits you and your constituents.

Agreed to on behalf of  
Genoa Charter Township:

Name: Paulette A. Skolopus

Signature: [Handwritten Signature]

Date: 9/16/19

KEPS Technologies, Inc. dba ACD.net  
acknowledges receipt of this Permit  
Extension

Name: DAVID A. SWEN, PIA

Signature: [Handwritten Signature]

Date: 8.9.19

KEPS Technologies, Inc. d/b/a ACD.net  
1800 N. Grand River Ave.  
Lansing, MI 48906

517.999.9999

**METRO Act  
Unilateral Form  
Revised 12/06/02**

**RIGHT-OF-WAY  
TELECOMMUNICATIONS PERMIT**

This permit issued this 11 day of Aug, 2014 by \_\_\_\_\_ Genoa Charter Township

**1**     Definitions

- 1.1     Date of Issuance shall mean the date set forth above.
- 1.2     Manager shall mean Municipality's Zoning Official, or his or her designee.
- 1.3     METRO Act shall mean the Metropolitan Extension Telecommunications Right-of Way oversight Act, Act No. 48 of the Public Acts of 2002, as amended.
- 1.4     Municipality shall mean Genoa Charter Township, a Michigan municipal corporation.
- 1.5     Permit shall mean this document.
- 1.6     Permittee shall mean ACD Telecom organized under the laws of the State of Michigan whose address is 1800 N. Grand River Avenue Lansing MI 48906.
- 1.7     Public Right-of-Way shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway, to the extent Municipality has the ability to grant the rights set forth herein. Public Right-of-Way does not include a federal, state, or private right-of-way.
- 1.8     Telecommunications Facilities or Facilities shall mean the Permittee's equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify or provide telecommunication services or signals. Telecommunication Facilities or Facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communications device.
- 1.9     Term shall have the meaning set forth in Part 7.

2 Grant

- 2.1 Municipality hereby issues a permit under the METRO Act to Permittee for access to and ongoing use of the Public Right-of-Way identified on Exhibit A to construct, install and maintain Telecommunication Facilities on the terms set forth herein.
- 2.1.1 Exhibit A may be modified by Manager upon written request by Permittee.
- 2.1.2 Any decision of Manager on a request by Permittee for a modification may be appealed by Permittee to Municipality's legislative body.
- 2.2 Overlapping. Permittee shall not allow the wires or any other facilities of a third party to be overlapped to the Telecommunication Facilities without Municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the Michigan Public Service Commission under Section 361 of the Michigan Telecommunications Act, MCL § 484.2361.
- 2.3 Nonexclusive. The rights granted by this Permit are nonexclusive. Municipality reserves the right to approve, at any time, additional permits for access to and ongoing usage of the Public Right-of-Way by telecommunications providers and to enter into agreements for use of the Public Right-of-Way with and grant franchises for use of the Public Right-of-Way to telecommunications providers, cable companies, utilities and other providers.

3 Contacts, Maps and Plans

- 3.1 Permittee Contacts. The names, addresses and the like for engineering and construction related information for Permittee and its Telecommunication Facilities are as follows:
- 3.1.1 The address, e-mail address, phone number and contact person (title or name) at Permittee's local office (in or near Municipality) is Phil Brown, 1800 N. Grand River Avenue, Lansing, Michigan 48906. Phone: (517)999-3213 Fax: (517)999-3993 Email: brown.phil@acd.net.
- 3.1.2 If Permittee's engineering drawings, as-built plans and related records for the Telecommunication Facilities will not be located at the preceding local office, the location address, phone number and contact person (title or department) for them is Phil Brown, 1800 N. Grand River Avenue, Lansing, Michigan 48906. Phone: (517)999-3213 Fax: (517)999-3993 Email: brown.phil@acd.net..

- 3.1.3 The name, title, address, e-mail address and telephone numbers of Permittee's engineering contact person(s) with responsibility for the design, plans and construction of the Telecommunication Facilities is Russell Allswede, 1800 N. Grand River Avenue, Lansing, Michigan 48906. Phone: (517)899-5609 Fax: (517)999-3993 Email: Allswede.Russell@acd.net.
- 3.1.4 The address, phone number and contact person (title or department) at Permittee's home office/regional office with responsibility for engineering and construction related aspects of the Telecommunication Facilities is Russell Allswede, 1800 N. Grand River Avenue, Lansing, Michigan 48906. Phone: (517)899-5609 Fax: (517)999-3993 Email: Allswede.Russell@acd.net.
- 3.1.5 Permittee shall at all times provide Manager with the phone number at which a live representative of Permittee (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency is (517)999-9999 option #1.
- 3.1.6 Permittee shall immediately notify Municipality in writing as set forth in Part 12 of any inaccuracies or changes in the preceding information.
- 3.2 Route Maps. Within ninety (90) days after the substantial completion of new Facilities in a Municipality, a provider shall submit route maps showing the location of the Telecommunication Facilities to both the Michigan Public Service Commission and to the Municipality, as required under Section 6(7) of the METRO Act, MCLA 484.3106(7).
- 3.3 As-Built Records. Permittee, without expense to Municipality, shall, upon forty-eight (48) hours notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Telecommunication Facilities or portions thereof in the Public Right-of-Way. Upon request by Municipality, Permittee shall inform Municipality as soon as reasonably possible of any changes from previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Telecommunication Facilities.

#### 4 Use of Public Right-of-Way

- 4.1 No Burden on Public Right-of-Way. Permittee, its contractors, subcontractors, and the Telecommunication Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. Permittee's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If Municipality reasonably determines that any portion of the Telecommunication Facilities constitutes an undue burden or interference, due to changed circumstances, Permittee, at its sole



expense, shall modify the Telecommunication Facilities or take such other actions as Municipality may determine is in the public interest to remove or alleviate the burden, and Permittee shall do so within a reasonable time period. Municipality will attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

- 4.2 **No Priority.** This Permit does not establish any priority of use of the Public Right-of-Way by Permittee over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.
- 4.3 **Restoration of Property.** Permittee, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Permittee's sole expense, in a manner approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Telecommunication Facilities to a reasonably equivalent (or, at Permittee's option, better) condition as that which existed prior to the disturbance. In the event that Permittee, its contractors or subcontractors fail to make such repair within a reasonable time, Municipality may make the repair and Permittee shall pay the costs Municipality incurred for such repair.
- 4.4 **Marking.** Permittee shall mark the Telecommunication Facilities as follows: Aerial portions of the Telecommunication Facilities shall be marked with a marker on Permittee's lines on alternate poles which shall state Permittee's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Telecommunication Facilities shall have (1) a conducting wire placed in the ground at least several inches above Permittee's cable (if such cable is nonconductive); (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate above ground markers with Permittee's name and a toll-free number indicating that there is buried telephone cable below. Bored underground portions of the Telecommunication Facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the Telecommunication Facilities located in conduit, including conduit of others used by Permittee, shall be marked at its entrance into and exit from each manhole and handhole with Permittee's name and a toll-free telephone number.

- 4.5 Tree Trimming. Permittee may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Telecommunication Facilities, consistent with any standards adopted by Municipality. Permittee shall dispose of all trimmed materials. Permittee shall minimize the trimming of trees to that essential to maintain the integrity of the Telecommunication Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.
- 4.6 Installation and Maintenance. The construction and installation of the Telecommunication Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with the Manager or his designee. Permittee shall install and maintain the Telecommunication Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Permittee's use, or the facilities of all users of the poles are required to go underground then Permittee shall, at its expense, place such portion of its Telecommunication Facilities underground, unless Municipality approves an alternate location. Permittee may perform maintenance on the Telecommunication Facilities without prior approval of Municipality, provided that Permittee shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by Municipality.
- 4.7 Pavement Cut Coordination. Permittee shall coordinate its construction and all other work in the Public Right-of-Way with Municipality's program for street construction and rebuilding (collectively "Street Construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively, "Street Resurfacing").
- 4.7.1 The goals of such coordination shall be to encourage Permittee to conduct all work in the Public Right-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.
- 4.8 Compliance with Laws. Permittee shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Telecommunication Facilities, whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, Permittee shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Permittee shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition). Permittee shall comply with all zoning and land use

ordinances and historic preservation ordinances as may exist or may hereafter be amended.

- 4.9 **Street Vacation.** If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Permittee's Facilities in the vacated Public Right-of-Way, Permittee shall, as a condition of this Permit, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Permittee shall relocate its Facilities to such alternate route as Municipality, applying reasonable engineering standards, shall specify.
- 4.10 **Relocation.** If Municipality requests Permittee to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality, applying reasonable engineering standards, shall specify. The work shall be completed within a reasonable time period.
- 4.11 **Public Emergency.** Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Permittee if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality will attempt to provide notice to Permittee. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Permittee shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.
- 4.12 **Miss Dig.** If eligible to join, Permittee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL § 460.701 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.
- 4.13 **Underground Relocation.** If Permittee has its Facilities on poles of Consumers Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then Permittee shall relocate its Facilities underground in the same location at Permittee's sole cost and expense.
- 4.14 **Identification.** All personnel of Permittee and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Permittee's name, their name and photograph. Permittee shall account for all identification cards at

all times. Every service vehicle of Permittee and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Permittee's name and telephone number.

## 5 Indemnification

- 5.1 Indemnity. Permittee shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "claim" for this Part 5) (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Permittee, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to the Permittee's use of or installation of facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Permittee, its officers, agents, employees, contractors, successors and assigns.
- 5.2 Notice, Cooperation. Municipality will notify Permittee promptly in writing of any such claim and the method and means proposed by Municipality for defending or satisfying such claim. Municipality will cooperate with Permittee in every reasonable way to facilitate the defense of any such claim. Municipality will consult with Permittee respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.
- 5.3 Settlement. Municipality will not settle any claim subject to indemnification under this Part 5 without the advance written consent of Permittee, which consent shall not be unreasonably withheld. Permittee shall have the right to defend or settle, at its own expense, any claim against Municipality for which Permittee is responsible hereunder.

## 6 Insurance

- 6.1 Coverage Required. Prior to beginning any construction in or installation of the Telecommunication Facilities in the Public Right-of-Way, Permittee shall obtain insurance as set forth below and file certificates evidencing same with Municipality. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Permittee may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.
- 6.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage

from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars (\$5,000,000).

- 6.1.2 Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.
  - 6.1.3 Automobile liability insurance in an amount not less than One Million Dollars (\$1,000,000).
  - 6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.
  - 6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.
- 6.2 Additional Insured. Municipality shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice to Municipality. Permittee shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.
- 6.3 Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.
- 6.4 Deductibles. If the insurance policies required by this Part 6 are written with retainages or deductibles in excess of \$50,000, they shall be approved by Manager in advance in writing. Permittee shall indemnify and save harmless Municipality

from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.

- 6.5 Contractors. Permittee's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers' compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Permittee, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Permittee's policies).
- 6.6 Insurance Primary. Permittee's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Permittee's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

## 7 Term

- 7.1 Term. The term ("Term") of this Permit shall be until the earlier of:
- 7.1.1 5 years from the Date of Issuance; or
  - 7.1.2 When the Telecommunication Facilities has not been used to provide telecommunications services for a period of one hundred and eighty (180) days by Permittee or a successor or an assignee of Permittee; or
  - 7.1.3 When Permittee, at its election and with or without cause, delivers written notice of termination to Municipality at least one-hundred and eighty (180) days prior to the date of such termination; or
  - 7.1.4 Upon either Permittee or Municipality giving written notice to the other of the occurrence or existence of a default by the other party under Sections 4.8, 6, 8 or 9 of this Permit and such defaulting party failing to cure, or commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or
  - 7.1.5 Unless Manager grants a written extension, one year from the Date of Issuance if prior thereto Permittee has not started the construction and installation of the Telecommunication Facilities within the Public Right-

period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Permittee as set forth in Part 12, title to the portions described in such notice shall vest in Municipality.

11 **Assignment.** Permittee may assign or transfer its rights under this Permit, or the persons or entities controlling Permittee may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the ownership or control of Permittee's business, or by other means, subject to the following:

11.1 No such transfer or assignment or change in the control of Permittee shall be effective under this Permit, without Municipality's prior approval (not to be unreasonably withheld), during the time period from the Date of Issuance until the completion of the construction of the Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A.

11.2 After the completion of such construction, Permittee must provide notice to Municipality of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however,

11.2.1 Any transferee or assignee of this Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply Municipality with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary, and

11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Permittee's ability to perform under the terms and conditions of this Permit and comply with applicable law; and Permittee shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary.

11.3 Permittee may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying Municipality.

12 **Notices**

12.1 **Notices.** All notices under this Permit shall be given as follows:

12.1.1 If to Municipality, to \_\_2911 Dorr Rd, Brighton, MI, 48116\_\_ with a copy to (same)



12.1.2 If to Permittee, to Kevin Schoen, ACD Telecom, Inc., 1800 N. Grand River Avenue, Lansing, Michigan 48906 Phone: (517) 999-9999 Fax: (517) 999-3993 Email: Schoen.kevin@acd.net.

12.2 Change of Address. Permittee and Municipality may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

13 Other items

13.1 No Cable, OVS. This Permit does not authorize Permittee to provide commercial cable type services to the public, such as "cable service" or the services of an "open video system operator" (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522 (6), 573 and 47 CFR § 76.1500).

13.2 Effectiveness. This Permit shall become effective when Permittee has provided any insurance certificates and bonds required in Parts 6 and 8, and signed the acknowledgement of receipt, below.

13.3 Authority. This Permit satisfies the requirement for a permit under Section 5 of the METRO Act [MCL 484.3105].

13.4 Interpretation and Severability. The provisions of this Permit shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or invalid, Permittee and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.

13.5 Governing Law. This Permit shall be governed by the laws of the State of Michigan.

Genoa Charter Township

By: Jennifer C. Salara

Its: Clerk

Date: 08/11/2014

Acknowledgement of Receipt: Permittee acknowledges receipt of this Permit granted by Municipality.

ACD.net

By: Kurt Shuchat

Its: CFO

Date: 8/5/14



2911 Dorr Road  
Brighton, MI 48116  
810.227.5225  
810.227.3420 fax  
genoa.org

## MEMORANDUM

**TO:** Honorable Board of Trustees  
**FROM:** Kelly VanMarter, Township Manager  
**DATE:** April 10, 2024  
**RE:** Appointments

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There are two Planning Commission and two Zoning Board of Appeals appointments with terms set to expire on June 30, 2024. Supervisor Rogers is recommending your consideration to reappoint and extend the term of Planning Commissioners Marianne McCreary and Glynis McBain and Zoning Board of Appeals members Bill Rockwell and Marianne McCreary. Mr. Rogers has discussed these recommendations with these members and they have each expressed an interest in continuing to serve.

Attached please find the proposed changes to the terms and appointments.

In this regard I offer the following motions for your consideration:

**Moved by** \_\_\_\_\_ **and supported by** \_\_\_\_\_ to reappoint Glynis McBain to the Planning Commission, Bill Rockwell to the Zoning Board of Appeals, and Marianne McCreary to the Planning Commission and Zoning Board of Appeals for a term ending on June 30, 2027 as recommended by the Township Supervisor.

If you have questions prior to Monday night's meeting please let me know.

Sincerely,

Township Manager

**SUPERVISOR**

Bill Rogers

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**TRUSTEES**

Jean W. Ledford

Terry Croft

Diana Lowe

Jeff Dhaenens

**MANAGER**

Kelly VanMarter

# Genoa Township Officials

Amended: November 6, 2023 **Proposed April 15, 2024**

## PLANNING COMMISSION (3-year term)

Chris Grajek	06/30/26
Marianne McCreary	06/30/ <del>24</del> 27
Tim Chouinard	06/30/26
Greg Rassel	06/30/25
Jeff Dhaenens (1-year term)	11/20/24
Glynis McBain	06/30/ <del>24</del> 27
Eric Rauch	06/30/25

## ZONING BOARD OF APPEALS (3-year term)

Bill Rockwell	06/30/ <del>24</del> 27
Marianne McCreary	06/30/ <del>24</del> 27
Craig Fons	06/30/25
Jean Ledford (1-year term)	11/20/24
Michele Kreutzberg	06/30/26
vacant (alternate)	06/30/25

## BOARD OF REVIEW (2-year term)

Chris Grajek	12/31/24
Ron Matkin	12/31/24
Marianne McCreary	12/31/24
Joann Fellwock (alternate)	12/31/24

## SEMCOG (4-year term)

Terry Croft	11/20/24
Diana Lowe (alternate)	11/20/24

## GENOA/OCEOLA SEWER AND WATER AUTHORITY (4-year term)

Robin Hunt	11/20/24
Bill Rogers	11/20/24

## HOWELL PARKS AND RECREATION (4-year term)

Diana Lowe	11/20/24
Terry Croft (alternate)	11/20/24

## MHOG (Marion, Howell, Oceola and Genoa) (4-year term)

Robin Hunt	11/20/24
Bill Rogers	11/20/24

## FOIA COORDINATOR (4-year term)

Kelly VanMarter	11/20/24
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## BRIGHTON FIRE AUTHORITY (4-year term)

Bill Rogers	11/20/24
Terry Croft	11/20/24

## ELECTION COMMISSION (4-year term)

Diana Lowe	11/20/24
Jean Ledford	11/20/24

# Board Correspondence

March 31, 2024

APR 04 2024

Genoa Township Board of Trustees  
2911 Dorr Road  
Genoa Township, Michigan 48116

RECEIVED

My name is Sheila Czornij. I live at 6457 Grand Circle, Brighton, MI 48116.


I am expressing my opposition to the proposed Latson PUD development as well as other over-development projects in the township and county. Genoa Township already suffers from an uncontrolled population explosion, and our Township cannot bear the cost, traffic, additional population increase or noise and light pollution of a large commercial or industrial development or multiunit housing.

This development is not compatible with the surrounding area, and would open the gates for a surge of industrial and commercial development that will spread far beyond the current plan and throughout what has long been a quiet residential area of homes. This will unfortunately significantly decrease both the value and the character of these houses.

The uses permitted in this development are not conducive to the intent of the zoning ordinance, and many of the permitted uses, e.g., a large industrial distribution warehouse, would bring significant amounts of light, noise, and traffic pollution that were never the intent of the original CAPUD zoning and Master Plan of the Township. Moreover, Three Fires Elementary School with over 600 elementary students would be compromised by the increased safety risk of an industrial district and high-density housing across the street.

I live in Genoa Township because I am seeking a tranquil bedroom community away from urban sprawl, as do many others. Genoa Township has seen too much development in recent years and it is time we started protecting and preserving the character of our community before it totally disappears.

Sincerely,

  
Sheila Czornij

Zenon Czornij  
6457 Grand Circle Dr  
Brighton, MI 48116

GENOA TOWNSHIP

APR 04 2024

March 30, 2024

Genoa Township Board of Trustees  
2911 Dorr Road  
Genoa Township, Michigan 48116

RECEIVED

Dear Madam/Sir:

I am expressing my opposition to the proposed Latson PUD development. Genoa Township already suffers from over-development and we are rapidly losing the rural and natural character of the community that we all love and cherish.

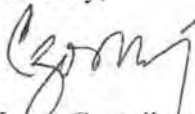
I am a resident and taxpayer in Genoa Township for 29 years. I chose to live here because of the sparse population and generally quiet area, and this development unfortunately will accelerate urban sprawl. Genoa Township and Livingston County have seen too much development in recent years and it is imperative to protect and preserve the character of our community before it completely disappears.

I have serious concerns about the destruction and pollution of the wetlands in and around this proposed development, the Shiawasee and Huron Riversheds, the country drain that runs through this development, and the runoff that will be draining into all of these water sources.

I also have significant concerns about any threatened or endangered species that may inhabit this area. Over 80 new species were added to the Endangered Species Act in 2023. To my knowledge, no study has been done to determine whether further development will alter or destroy one or more essential habitats.

Genoa Township is overrun by development. The reasons justifying development that may have existed five or ten years ago do not exist today. I am urging you to put a stop to it.

Sincerely,

  
Zenon Czornij