

GENOA CHARTER TOWNSHIP
Special Meeting of the Election Commission
October 20th, 2008
6:25 p.m.

MINUTES

Clerk Skolarus called the special meeting of the Election Commission to order at 6:25 p.m. at the Genoa Township Hall. The following members were present constituting a quorum for the transaction of business: Paulette Skolarus, Steve Wildman and Jean Ledford.

Moved by Ledford, supported by Wildman, to approve the agenda with the addition of item 3. The motion carried unanimously.

1. Consideration of officials scheduled to work the Nov. 4th, 2008 General Election.
A. Recommendation to the Township Board

Moved by Wildman, supported by Ledford, to recommend for approval the appointment of officials to work the Nov. 4th General Election. Note: All officials have been certified and salaries will be the same as previously approved. The motion carried unanimously.

2. Request to authorize Township Clerk Paulette Skolarus and Deputy Clerk Mary Krencicki to conduct the public accuracy test on Tuesday, October 21st, 2008 at 1:30 p.m. at the Genoa Charter Township Hall.
A. Recommendation to the Township Board

Moved by Ledford, supported by Wildman, to recommend to the township board that Skolarus and Krencicki conduct the public accuracy test as requested. The motion carried unanimously.

3. Consideration of a request to authorize the establishment of a receiving board for the Nov. 4, 2008 general election.

Moved by Ledford, supported by Wildman, to recommend to the Township Board that a receiving board be approved by the Township and that the receiving board will be made up of staff working in the clerk's office. The motion carried unanimously.

The special meeting of the Election Commission was adjourned at 6:29 p.m.

GENOA CHARTER TOWNSHIP
Regular Meeting and Public Hearing
October 20th, 2008
6:30 P.M.

MINUTES

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

A call to the public was made with the following response: Rocco Thomas – I have an empty house on Hughes Road and I received a water bill for \$85.00 when I have zero usage. McCririe - Your service is a flat fee and the bills are the same whether the residence is occupied or not.

Approval of Consent Agenda:

Moved by Mortensen, supported by Ledford, to approve all items listed under the consent agenda with the addition of approval of the receiving board. The motion carried unanimously.

1. Payment of Bills

2. Request to approve minutes: 10-6-08

3. Request from the Election Commission to approve workers scheduled to work the Nov. 4, 2008 general election.

4. Request to reaffirm the authorization of Skolarus and Krencicki to conduct the public accuracy test on Oct. 23, 2008.

5. Request to authorize the establishment of a receiving board for the Nov. 4, 2008 general election.

Approval of Regular Agenda:

Moved by Ledford, supported by Wildman, to approve for action all items listed under the regular agenda with Skolarus (as a board member) abstaining from discussion of Item 6, as she is a property owner affected by the proposed district. Skolarus advised the board that she would speak at the call to property owners and after Mr. Brewer addressed the board. The motion carried unanimously.

6. Public Hearing on the Challis Ct. Road Improvement Project.

A call to property owners and the public was made with the following response: Dennis Brewer (Attorney for Wade Bray) – Brewer reiterated the comments included in his correspondence of 10/16/2008, primarily asking that the district be spread in a different manner. Mr. Bray does not object to the necessity of the project he objects to the way the assessment is spread. The private drive east of the end of the cul-de-sac was not part of the original SAD. Mr. Bray wants this assessment to be spread the same way as the original. He is actually asking to pay more money. Mr. Bray has objected in the past to how the association is structured but he has always been willing to pay his fair share.

Genoa Charter Township Board and Election Commission – Oct. 20, 2008

Wildman - Is Mr. Bray paying Mr. Brewer to represent him in order to pay more?

Brewer - One could perceive his request in that manner.

Mortensen - This is a Township service that we provide to our residents and I have no interest in having the Township involved in a \$2,400 neighborhood dispute.

McCrie asked Mr. Heikkinen if an active association is required.

Heikkinen – The need for an association is a Board rule. The nature of what is an acceptable association is at the discretion of the Board.

McCrie - The proposed spread with Bray paying more is a means to establish ownership or limit access easement rights.

Skolarus – I have been Clerk of Genoa for 22 years and never has the township received an objection to a petition for the establishment of a special assessment district where the person objecting is asking to pay more. This action is nothing more than a smokescreen. The Brays are trying to preclude the Flaszas reasonable enjoyment of their property. Mr. Bray is not objecting to the project he is objecting to the amount and the distribution of that cost. The project should move forward. The Brays have not been good neighbors and have used surveillance techniques to spy on their neighbors. They have had knowledge of what transpired in meetings they did not attend.

As you are aware, Act 188 allows for the creation of a Special Assessment District on a benefit basis. This Act distributes the cost to all homeowners equally. In the case of Challis Ct., it has been determined to be \$300.00 for each parcel. The Brays are objecting to the distribution of cost within the district and want their assessment increased from \$300.00 (\$900.00 for three parcels) to \$970.00. The reason that they are taking this stance is because they are claiming that the Challis Ct. Private Road in front of the neighboring property (Flasza) is actually their private drive. Our Zoning Ordinance requires 150 foot of frontage for the creation of any home site within our zoning district. The Brays sold this parcel to Ann and Ton Flaszka when they split the one acre parcel from their original ten acres.

I spoke with both Jim Kiefer and Rick Heikkinen concerning the request from the Bray's attorney for adjournment. Kiefer advised me to call their attorney and advise him that the public hearing could not be adjourned and that a representative of their law firm should be present at this evenings meeting to represent their client. I phoned that office on Friday and advised their firm accordingly.

I spoke with Heikkinen this morning and he advised me that the board should go forward with this project since four out of the five homeowners were in favor of the road maintenance agreement and that we should not change the assessments as the petitions were clear on the distribution of cost.

There are five mail boxes on Challis Ct. – all with Challis Ct addresses. Challis Ct. does not end at the cul-de-sac. 150 foot of frontage is required under the Zoning Ordinance and each parcel has 150 foot of frontage. The Brays refuse to allow the Flaszas to enjoy their property

right and tell anyone walking on Challis Ct. (in front of the Flasz home) to remove themselves from their private property.

We do have a homeowners association but not one that is approved by the state. The association primarily pays for snow removal. Wade Bray supported this winter maintenance for the first seven years – until he married Marilyn. Our road is in desperate need of crack seal and seal coating and we are at the end of the season where this work can be performed.

Our board recently approved a special assessment district for the private road Homestead Drive and this request is no different. We rarely get petitions from more than 65% of the homeowners within a district. Why should the objection of one homeowner matter in this case? The Brays were invited to attend a meeting to discuss this project and they did not respond. Marilyn Bray has made it known that she is aware of private conversation within our homes and this is disturbing to our neighborhood considering Wade Bray's occupation.

I am asking your approval of this district on a benefit basis as petitioned by the residents of Challis Ct.

Mike Doyle presented a signature page from a declaration of restrictive covenants that was signed by the Bray's. *The packet of information provided by Mr. Brewer included an unsigned page.*

Brewer - No eavesdropping is occurring.

Charles Hartinger - The majority of affected property owners are in support of this project, therefore Mr. Bray's proposal is irrelevant.

Heikkinen - The Board may levy the assessment as proposed.

McCrie closed the call to the public.

7. Request for approval of Resolution No. 4(Confirming the Special Assessment Roll) for the Challis Ct. Road Improvement Project.

Moved by Smith, supported by Wildman, to approve Resolution No. 4 as submitted. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Wildman and McCrie. Nays – Hunt and Mortensen. Abstain – Skolarus.

8. Discussion regarding riparian access for tax parcel #'s: 11-11-304-010 and 11-11-304-011 (Hughes Road and Lake Chemung).

Lisa Grassi addressed the board concerning a request for a non-exclusive easement for two lots as identified above.

Note: A single easement was granted to the Grassis on Jan 7, 2008 for the docking of one boat on Lake Chemung with the second parcel being allowed recreational use without boat access. Letters of objection, dated August 1, 2008 (Judy Tolles) and July 29, 2008 (Cary, Ortwine, Tolles, Christensen, Thomas and Brown), were received by the township objecting to the board action of Jan 7, 2008. Daniel and Lisa Grassi, at the board's request, provided a

Genoa Charter Township Board and Election Commission – Oct. 20, 2008

chronological evaluation with documents related to the purchase of their property. That information was then reviewed by Township Attorney Rick Heikkinen and a formal response to that review was provided by Heikkinen in his correspondence dated Sept. 15, 2008.

Lisa Grassi – We would have paid our fair share in the lawsuit obtaining access to the lake, but we were never advised of that lawsuit. We are still willing to pay our portion of that cost and are asking no more than what has been given to the other homeowners.

Cary – The original easement agreement was for six slips. We rejected that agreement because I own two lots and if I sold one lot I wanted riparian rights for the vacant lot. I am asking the township to honor their original easement agreement and not grant addition rights to anyone else. We had a prescribed easement with regard to this property.

McCrie – The Grassis offered to reimburse you for expenses related to the lawsuit and I feel that they were not provided all the information necessary with regard to their purchase.

Thomas – This problem all started when Mr. O’Keefe served papers to all property owners. To preserve our interest we banded together and spent good money to preserve our interest.

Tolles – I never met the Grassis but it is clear to me that this lady has been harmed by the sellers, their agent and the title company. Recourse should be sought with the title company.

Heikkinen – The Township owns the property and may grant easement across the property provided that it doesn’t interfere with the rights of the people already there.

Wildman – To make this clear for the record, you have docking rights; your lots are not riparian.

Mortensen – We have not as yet executed any easement and the Grassis don’t have a legal right to an easement. My preference is to vote no and turn this matter over to the courts.

Skolarus – On Jan. 7, 2008 this board granted a non-exclusive easement for lot 2 on Long Lake Shores Subdivision. I believe we should reaffirm that agreement and not go back on our commitment to the Grassis. Smith agreed.

Moved by Smith, supported by Skolarus, to reaffirm our commitment of Jan. 7, 2008 conditioned upon a pro-rata of the legal fees (\$24,000.00) incurred by other residents of Long Lake Shores Subdivision be paid by the Grassis (as volunteered by Lisa Grassi) to the other homeowners involved in the lawsuit and that the language be clarified and amended on the existing easement agreement. The motion carried as follows: Ayes – Hunt, Smith, Wildman, Skolarus and McCrie. Nays – Mortensen and Ledford. Abstain – None.

The regular meeting of the Genoa Charter Township Board was adjourned at 8:15 p.m.

Paulette A. Skolarus, Genoa Township Clerk _____

Michael Archinal, Recording Secretary for Petition No. 6 _____
(press/argus 10/31/08)