

NEW BUFFALO TOWNSHIP BOARD
REGULAR MEETING
OCTOBER 17, 2011
17425 RED ARROW HIGHWAY
NEW BUFFALO, MICHIGAN

Supervisor Dudiak called the meeting to order at 5:30 p.m.

Call to Order

Board Members Present: Dudiak, Heit, Oselka, Rahm, and Rogers.

Dudiak led the Pledge of Allegiance

PUBLIC COMMENTS ON AGENDA ITEMS

REPORTS

Monthly departmental reports were received.

Reports

AGENDA ITEMS

Rahm moved, Dudiak seconded to approve items on the consent agenda:
Minutes of the September 19, 2011 Meeting.

Consent
Agenda

Bills

- 1. General \$59,478.04
- 2. Building \$14,695.64
- 3. Sewer \$80,421.12
- 4. Water \$134,248.10
- 5. Liquor \$395.61
- 6. Ambulance \$8,869.67
- 7. Park Millage \$19,049.35
- 8. Public Safety Millage \$1,387.92

Berrien County Police Payment - \$52,975.79 for September, 2011 Police Protection

Dudiak	Yes
Heit	Yes
Oselka	Yes
Rahm	Yes
Rogers	Yes

Motion Carried

NEW BUSINESS:

Rogers moved, Heit seconded to approve the Draw Request for \$122,598.42 the USDA water and sewer improvements which includes the following:

Draw
Request
USDA

Concord Excavating, Inc. – Water	\$ 11,418.51
- Sewer	\$ 86,806.95
Wightman & Associates, Inc. - Water	\$ 3,204.51
- Sewer	\$ 8,769.20
CSX Railroad	\$ 8,093.02
New Buffalo Township – Tap Machine	<u>\$ 4,306.23</u>

Subject to receiving the funds from the USDA. \$122,598.42

- Dudiak Yes
- Heit Yes
- Oselka Yes
- Rahm Yes
- Rogers Yes

Motion Carried

Rahm moved, Heit seconded to approve payment to Howard’s Excavating for \$4,300 for the McBride house demolition. This is higher than the original quote of \$2,900 because of a septic and well that were found on the property.

Howard’s
Excavating
Bill

Motion Carried

Dudiak moved, Rogers seconded to approve the quote from Gemini Lawn & Landscaping for \$9,400 for aerating, dressing, fertilizing, and over seeding the Memorial Park field. This work will not be done until Spring,2012 due to damage done to the area by the current trails project coordinator.

Gemini
Quote
Park Field

Motion Carried

Rogers moved, Oselka seconded to approve the quote from Double K Enterprises for a new server for \$4,144.48, plus 12-14 hours of necessary configuration.

Computer
Server

Motion Carried

Rogers moved, Dudiak seconded to approve purchasing (2) parking bollards, not to exceed \$600.00, plus installation, for the parking lot edges of the Memorial Park sidewalks to prevent vehicles from driving up on them up the pavilion. Damage has been caused by this happening this past summer.

Parking
Bollards
Purchase

Motion Carried

Discussion was held on the bids for snow plowing.

Discussion

Rahm moved, Heit seconded to approve the bid from Pajay for the 2011-2012 snow plow season.

Snow Plow
Bid

Dudiak Yes
Heit Yes
Oselka Abstain
Rahm Yes
Rogers Yes

Motion Carried

Heit moved, Oselka seconded to approve Supervisor Rose Dudiak attend one day of the Michigan Supervisors conference in Kalamazoo on October 19, 2011 for a fee of \$80.00, plus mileage.

Supervisors
Conference

Motion Carried

Heit moved, Dudiak seconded to, upon recommendation of the New Buffalo Township and Berrien County Planning Commissions, approve the rezoning of property 11-13-0011-0013-01-1, 10800 Maudlin Road, New Buffalo, Michigan, from AG-R Agricultural Residential to C-1, Commercial, subject to the following findings and conditions:

Rezoning
10800
Maudlin
Road

Findings:

1. The proper Public notice and the specific notices to the Utilities and to the neighbors as required by Section 17.6 B. 1,2,3 and 4 as revised have been fulfilled.
2. The recommendation has been sent to the Berrien County Planning Commission for review and recommendation immediately after the Planning Commission meeting.
3. The Comments of the persons attending the Public Hearing are attached to this motion in Addendum B.
4. The utilities that serve the property include: 12” water main with sufficient capacity to serve the property; a 16” sewer force main with sufficient capacity to serve the property via a lift station that will accept sewage from the property; that adequate electric service is at the edge of the property; that natural gas is available east of the property on Maudlin Rd.

5. The Master Plan anticipates more intense development to the east and north of this property so rezoning this property to C-1 Commercial development would be compatible with the Master Plan.
6. The property to east and south of this property is owned by the Pokagon Tribe and has already experienced significant commercial development. Located to the west of the subject property is I-94 with an over 30,000 vehicle count every 24 hours.
7. The property is contaminated and the applicant will be clean it up to a level acceptable to all municipality, state, and federal requirements for actually developing the property\ for any uses permitted for the property prior to any permit for a site plan being issued.
8. The property will require a Level iii wetlands delineation before a development site plan is approved.
9. The proposed purchaser of the Property is an LLC controlled by the Pokagon Tribe, and as such, is controlled by the Tribe that has an extraordinary commitment to protecting the environment.

Conditions:

The Township Board shall obtain a letter from the Applicant/Owner that states that the applicant understands that no site plan will be approved until the contaminants have been cleaned up to meet municipal, state, and federal requirements for the use proposed in the site plan and that a Level iii wetlands will be required for any site plan submissions.

Dudiak	Yes
Heit	Yes
Oselka	Yes
Rahm	Yes
Rogers	Yes

Motion Carried

Dudiak moved, Heit seconded to approve revising the Personnel Policies & Procedures Section 4.1 (b) Lunch Break to read: Lunch Break Policy

Hourly employees who are required to perform work duties during their lunch breaks shall be paid for their lunch break period provided he/she remains in the building. Should an employee leave the building during the lunch break, that employee shall not be paid for the time he/she was unavailable to perform work duties. It shall be the discretion of the New Buffalo Township Board to designate which positions are required to perform work duties during lunch breaks except in the case of appointed deputies. It shall be up to the appointing official to determine if his/her appointed deputy will be required to perform work duties during lunch breaks. Each Township hourly employee shall be notified if he/she is required to perform work duties during his/her lunch break.

Motion Carried

Discussion on Mike Kerhoulas rezoning issue.

Discussion

Dudiak moved, Heit seconded to approve asking The Pokagon Fund for half of the price (\$15,000) to buy the McBride property adjacent to the cemetery and up to \$44,100 for firefighter turnout gear.

Pokagon Fund
Grants

Motion Carried

Heit moved, Oselka seconded to approve purchase of extrication gloves for \$416.00 for the Fire Department.

Fire Dept.
Gloves
Purchase

Motion Carried

Discussion on Michigan Firehouse Museum, Loan of Fire Truck.

Discussion

Heit moved, Rahm seconded to approve the contract to loan the 1926 Chevrolet Fire Engine to the Michigan Firehouse Museum.

Fire Truck
Loan to
Museum

Motion Carried

Dudiak moved, Oselka seconded to approve Change Orders A2 & B5 for the USDA Water & Sewer Improvements project.

Change
Orders
USDA Proj.

Motion Carried

Dudiak moved, Heit seconded to deduct \$200 from the attorney fees for McBride case.

Deduct
Attorney
Fees for
McBride

Motion Carried

Heit moved, Rogers seconded to adjourn at 6:30 p.m.

Adjournment

Motion Carried

Submitted,

Paul Oselka
Clerk