

NEW BUFFALO TOWNSHIP BOARD
PUBLIC HEARING/REGULAR MEETING
MAY 16, 2011
17425 RED ARROW HIGHWAY
NEW BUFFALO, MICHIGAN

Supervisor Dudiak called the meeting to order at 7:00 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

Oselka moved, Heit seconded to remove the Berrien County police payment from the consent agenda and approve the payment for \$60,755.61 for April, 2011, subject to clarification of the higher cost.

Police
Payment

Motion Carried

Heit moved, Rogers seconded to approve items on the consent agenda:
Minutes of the April 18, 2011 Meeting
Transfer of \$15,000 from General Fund to Building Fund.

Consent
Agenda

Bills

1. General \$48,635.41
2. Building \$14,087.02
3. Sewer \$26,862.56
4. Water \$35,258.40
5. Liquor \$395.61
6. Ambulance \$8,869.67
7. Park Millage \$5,157.61

Dudiak	Yes
Heit	Yes
Oselka	Yes
Rahm	Yes
Rogers	Yes

Motion Carried

NEW BUSINESS:

Rogers moved, Dudiak seconded to approve the Draw Request for \$166,833.93 for the USDA water and sewer improvements which includes the following:

Draw
Request
USDA

Concord Excavating & Grading Inc. – Contract B, Sewer Bond	\$156,022.68
Wightman & Associates, Inc. - Water	\$ 2,743.40
- Sewer	<u>\$ 8,067.85</u>
Subject to receiving the funds from the USDA.	\$166,833.93

Dudiak	Yes
Heit	Yes
Oselka	Yes
Rahm	Yes
Rogers	Yes

Motion Carried

Rogers moved, Heit seconded to approve Change Order #B2 for an increase of \$3,979 for the sewer improvements on Harbor Country Drive.

Change
Order #B2
HC Drive
Sewer

Dudiak	Yes
Heit	Yes
Oselka	Yes
Rahm	Yes
Rogers	Yes

Motion Carried

Dudiak moved, Heit seconded to approve, upon recommendation of the Berrien County and New Buffalo Township Planning Commissions, the rezoning of parcel #11-13-0017-0015-15-3, 13077 Wilson Road, from R-1 to Agricultural.

Rezoning
13077
Wilson Road

Dudiak	Yes
Heit	Yes
Oselka	Yes
Rahm	Yes
Rogers	Yes

Motion Carried

Heit moved, Rogers seconded to approve, upon recommendation of the Berrien County and New Buffalo Township Planning Commissions, the following amendment to the Zoning Ordinance:

Zoning
Amendment
Section 16.6

Section 16.6, adding the words, “or to any other nonuse related standard of the ordinance.”

Dudiak	Yes
Heit	Yes
Oselka	Yes
Rahm	Yes
Rogers	Yes

Motion Carried

Dudiak moved, Rogers seconded to approve the following amendment to the Water System Ordinance:

Water System Ordinance Amendment

Amend Section 5.02.16 to read: In the event that a meter fails to register, the consumer shall be charged the annual average consumption, as shown by the meter when in working order.

Add: Section 5.02.16.1 In the event that a “remote” read fails to register, the consume shall be charged and responsible for all water usage that was registered through the meter.

Section 5.02.16.2 In the event that a consumer requests a meter to be tested/certified, if the meter in question fails to the consumer’s advantage, (reads low in accordance with current AWWA M6 testing standards), the consumer shall be responsible for all water usage, ready to serve charges, and meter testing charges. If the meter in question fails to the Township’s advantage, (reads high in accordance with current AWWA M6 testing standards), the consumer shall be charged the annual average consumption up to the date the meter in question was removed for testing and the Township shall pay the meter testing charges.

Dudiak	Yes
Heit	Yes
Oselka	Yes
Rahm	Yes
Rogers	Yes

Motion Carried

Rahm moved, Heit seconded to approve the settlement with Daniel Griffin regarding litigation in the sewer matter at Café Tuscany.

Café Tuscany Sewer Settlement

Motion Carried

Rahm moved, Dudiak seconded to approve a Memorial Park and Pavilion Grand Opening Celebration on June 4, 2011, from 3:00 – 9:00 p.m. and approve the budget for \$3,935, funds to come from the Park Millage Fund.

Memorial Park Grand Opening

Motion Carried

Dudiak moved, Heit seconded to approve payment to Swietlik Randolph Designs for design and printing of the park grand opening invitations and material.

Design/ Printing Park Opening Invitations Payment

Motion Carried

Rogers moved, Heit seconded to approve payment to Dot Kane (Stories by Dot) for \$250 for services scheduled for the park grand opening. Payment to be made after services are rendered on June 4, 2011. Story Telling Payment

Motion Carried

Heit moved, Oselka seconded to approve payment to Mark Smith (Generation Gap Band) for \$550 for live music scheduled for the park grand opening. Payment to be made after services are rendered on June 4, 2011. Live Music Payment

Motion Carried

Rogers moved, Heit seconded to approve payment to Bear and Bee LLC (David's Deli) for \$125 for salads for the park grand opening. Payment to be made after services are rendered on June 4, 2011. Food (salads) Payment

Motion Carried

Dudiak moved, Heit seconded to TABLE the Metro Act Right of Way Permit Extension, until next month in order to gather more information. METRO Act Permit TABLED

Motion Carried

Dudiak moved, Heit seconded to hire Vanessa Leterneau for the Parks Maintenance position at a rate of pay of \$10 per hour. Parks Maintenance Position

Motion Carried

Heit moved, Dudiak seconded to hire William Montgomery for the Parks Program Director Position at a rate of pay of \$650 per week, until October 31, 2011. Parks Program Director Position

Motion Carried

Rogers moved, Dudiak seconded to approve air pack testing for the Fire Department for \$540 from West Shore Fire, Inc. and approve payment upon completion. Air Pack Testing

Motion Carried

Dudiak moved, Heit seconded to approve the Fire Department go out for bid for a Pumper-Tanker with a top mount pump to replace two current, aging vehicles. This approval is only for getting bids and is no commitment to purchase a truck. Go Out For Bid for Pumper Truck

Motion Carried

A noxious weed ordinance, police services bids, and Fire Department billings for false alarms were all discussed. Discussion

Oselka moved, Rahm seconded to extend the contract with the Berrien County Sheriff's Department for police protection on an ongoing basis, subject to a 90 day notice of cancellation by either party. Extend Police Contract

Dudiak Yes
Heit No
Oselka Yes
Rahm Yes
Rogers Yes

Motion Carried

Dudiak moved, Heit seconded to add to the agenda final payment be made to Groundworkes, Inc. for \$14,857.50 for the landscaping portion of the contract, to be paid from the Park Millage Fund from The Pokagon Fund grant money. Groundworkes Payment Landscaping

Motion Carried

Heit moved, Dudiak seconded to add to the agenda final payment be made to Groundworkes, Inc. for \$10,749.50 for the irrigation portion of the contract (less any repair bills needed to fix the electric line that was cut), to be paid from the Park Millage Fund, from The Pokagon Fund Grant money. Payment subject to final testing and approval. Groundworkes Payment Irrigation

Motion Carried

Rahm moved, Heit seconded to adjourn at 8:10 p.m. Adjournment

Motion Carried

Submitted,

Paul Oselka
Clerk