

**NEW BUFFALO TOWNSHIP BOARD  
REGULAR MEETING  
JANUARY 16th, 2024 4:00 P.M.  
17425 Red Arrow Hwy. New Buffalo, MI 49117  
Minutes**

The meeting was called to order by Supervisor Heit at 4:00 p.m.

**1. ROLL CALL & PLEDGE OF ALLEGIANCE**

Present: Hannon, Heit, Rahm & Rogers

Not Present: Iazzetto

Pledge of Allegiance

**2. AUDIT PRESENTATION – BRIAN HAKE, KRUGGLE LAWTON – Postponed until February**

**3. ITEMS TOO LATE FOR PRINTED AGENDA – None**

**4. APPROVE AGENDA**

Rogers moved, Rahm supported approving the agenda.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Motion CARRIED

**5. REPORTS**

Building  
Park  
Pine Grove Cemetery  
Galien River Sanitary District  
Fire  
Library  
LRSB  
Marina  
Pokagon Fund  
Police

**6. PUBLIC COMMENTS – None**

## 7. CONSENT AGENDA

Rogers moved, Heit supported approving the following items on the consent agenda:

Minutes of the December 18<sup>th</sup> regular meeting  
Treasurer's Report  
Bills

1. General \$51,546.99
2. Public Safety Millage \$81,424.71
3. Park Millage \$11,285.77
4. Building \$10,295.75
5. LRSB Discretionary \$198.52
6. Sewer & Water \$76,326.77
7. Marina \$4,785.29
8. Payroll \$78,646.18
9. Trust & Agency \$2,957.50

Approve \$5,000 to the New Buffalo Area Recreational Authority.

Approve quote from The Edge in the amount of \$9,252.00 for 8 iPads for the Planning Commission and the Building & Zoning Administrator.

Approve quote from Techxperience in the amount of \$6,165.00 for replacement cameras at the hall, 2 new cameras at Memorial Park and new camera software.

### Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Motion            CARRIED

## 8. NEW BUSINESS

### a. Bison Preserve Resolution

Rahm resolved, Rogers supported adopting Resolution 2024-01-16a stating the Township's support of Bison Preserve, New Buffalo Area Schools housing project.

### Roll Call Vote:

Hannon	Yes
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Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Resolution ADOPTED

**b. Board of Review Resolution – Protest in Writing**

Rahm resolved, Hannon supported adopting Resolution 2024-01-16b allowing local residents to protest in writing to the Board of Review.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Resolution ADOPTED

**c. July Board of Review Resolution**

Heit resolved, Rogers supported adopting Resolution 2024-01-16c allowing the Board of Review to set an alternate date for the July 2024 Board of Review.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Resolution ADOPTED

**d. December Board of Review Resolution**

Rahm resolved, Rogers supported adopting Resolution 2024-01-16d allowing the Board of Review to set an alternate date for the December 2024 Board of Review.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Resolution ADOPTED

**e. Poverty Guideline Resolution**

Heit resolved, Hannon supported adopting Resolution 2024-01-16e adopting the poverty exemption guidelines and asset level test from the US Dept. of Health and Human Services.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Resolution ADOPTED

**f. Marquette Greenway Engineering Agreement**

Rahm moved, Heit supporting approving an agreement with Abonmarche in the amount of \$492,000 for construction administration services related for the Marquette Greenway Trail construction.

Motion CARRIED

**g. Special Land Use Approval – NBNC, LLC**

Rogers moved, Heit supported granting preliminary approval of a Special Land Use to NBNC, LLC to operate an Adult-Use Marihuana Retail Establishment at 19500 M239, New Buffalo, MI being 11-13-0022-0001-14-1 with the following condition: applicant obtains a variance for excess parking.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Motion CARRIED

**h. Special Land Use Approval – New Buffalo Holdings LLC NBT Group LLC**

Rahm moved, Hannon supported granting Final Approval of a Special Land Use to New Buffalo Holdings LLC – NBT Group LLC to operate an Adult-Use Marihuana Retail

Establishment at 11539 O'Brien Ct, New Buffalo, MI being 11-13-0015-0011-20-8 with the following conditions:

- Hotel operations must cease permanently as to prevent any on-site consumption. Downlighting must be maintained to prevent light spillage onto neighboring properties. Both of these items included as recommended by the Planning Commission.
- The applicants must adhere to the standards detailed in the New Buffalo Township Zoning Ordinance Article 455-5.22 Marihuana Businesses.
- Copy of license from the State of Michigan Cannabis Regulatory Agency will be provided yearly upon renewal.
- \$5,000 annual administrative fee to be provided to New Buffalo Township by the renewal date of the State of Michigan license.
- Maintain current business license registration with the New Buffalo Township Building Department which includes an annual Fire Code Inspection of the premises.
- The SLU development agreement and final site plan must be recorded with the Register of Deeds Office with evidence of recording submitted to New Buffalo Township within 45 days.
- The SLU is attached to, and shall run with the land for which the permit is granted, and shall be binding upon, and ensure benefit of, all subsequent owners and all occupants of the subject land provided that the new occupant/owner provide proper application for Marihuana Establishment w/supplemental information required, applicable fee, and copy of their State of Michigan Cannabis Regulatory Agency license.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Motion CARRIED

**9. CLOSED SESSION – Consultation with attorney regarding 10299 US 12 LLC v. New Buffalo Township, et al.; Berrien County Case No. 23-0309-CZ-H**

Heit moved, Hannon supported going into closed session with attorney Jim Straub at 4:24 p.m. for the purpose of discussing pending litigation with 10299 US 12 LLC, Berrien County Case NO. 23-0309-CZ-H.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Motion CARRIED

Heit moved, Rogers supported reconvening in open session at 5:01 p.m.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Motion CARRIED

**10. ADJOURNMENT**

Rahm moved, Rogers supported adjourning at 5:02 p.m.

Motion CARRIED

Meeting adjourned at 5:02 p.m.

Submitted By:

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Michelle Hannon, Clerk  
New Buffalo Township