

**NEW BUFFALO TOWNSHIP BOARD
REGULAR MEETING
FEBRUARY 20th, 2024 4:00 P.M.
17425 Red Arrow Hwy. New Buffalo, MI 49117
Minutes**

1. ROLL CALL & PLEDGE OF ALLEGIANCE

Present: Hannon, Heit, Iazzetto, & Rogers

Not Present: Rahm

Pledge of Allegiance

2. AUDIT PRESENTATION – BRIAN HAKE, KRUGGLE LAWTON

3. ITEMS TOO LATE FOR PRINTED AGENDA

Item L: Resolution 20240220 regarding a USDA grant for Harbor Country Drive

4. APPROVE AGENDA

Iazzetto moved, Rogers supported approving the agenda with the addition of Item L.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Yes
Rahm	Absent
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

Public comments were heard by the board.

7. CONSENT AGENDA

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

Minutes of the January 16th regular meeting and January 16th closed session.

Treasurer's Report

Bills

1. General \$128,519.65
2. Public Safety Millage \$107,743.54
3. Park Millage \$24,820.01
4. Building \$8,864.74
5. LRSB Discretionary \$6,686.35
6. Sewer & Water \$175,934.48
7. Marina \$5,178.16
8. Payroll \$102,145.09
9. Trust & Agency \$0

Approve hourly wage of \$20.00 for Deputy Clerk Julie Flick for south county early voting election work in Niles, MI plus mileage.

Approve BS&A training for the Financial Administrator and Deputy Clerk in the amount of \$200.00 each.

Approve quote from Tuscan Valley in the amount of \$3,835.00 for regrading and applying new stone at the Union Pier parking lot.

Approve payment of \$2,665.00 to Country Lane Remodeling for work at Pleasure Isle Marina.

Approve Thermal Imaging training for 3-5 firefighters in the amount of \$75.00 per firefighter and Instructor 1 training for firefighter Joe Sharum in the amount of \$350.00

Approve FDIC Fire Training Leadership conference for Chief Flick in the amount of \$649.00 plus meals, travel and lodging.

Approve purchase of 1 "car fire blanket" for the Fire Dept. in the amount of \$2,700.00

Approve local match for SCBA fire grant in the amount of \$7,573.76 to Chikaming Township.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Yes
Rahm	Absent
Rogers	Yes

Motion CARRIED

8. NEW BUSINESS

a. Water Tower Engineering Agreement

Rogers moved, Hannon supported approving an agreement with Dixon Engineering for engineering work for water tower repainting in the amount of \$38,850.

Motion CARRIED

b. Abonmarche Proposal – Veteran’s Park

Iazzetto moved, Rogers supported approving a proposal from Abonmarche for design and construction services for the Veteran’s Park in the amount of \$96,220.

Motion CARRIED

c. Employee Wage Increases

Heit moved, Hannon supported approving step increases for the following employees starting March 3, 2024:

- Utility Dept. worker Forest Galanda, \$28.00 per hour
- Utility Dept. worker Matthew Harfert, \$28.00 per hour
- Utility Billing Clerk Julie Monahan, \$23.00 per hour

Motion CARRIED

d. BS&A Agreement

Rogers moved, Heit supported approving a proposal from BS&A for cloud-based upgrade accounting software in the amount of \$54,445 to be paid in 3 installments.

Motion CARRIED

e. Outdoor Assembly Permit

Heit moved, Rogers supported tabling an Outdoor Assembly Permit application for Urb Cannabis at 11539 O'Brien Ct., New Buffalo, MI 49117 on March 15th & 16th, 2024.

Motion CARRIED

f. HydroCorp Contract Extension

Hannon moved, Heit supported approving a contract extension with HydroCorp beginning March 1, 2024 for a period of two years at an annual rate of \$57,312 for residential and an annual rate of \$9,600 for commercial.

Motion CARRIED

g. Fire Truck – Letter of Intent

Iazzetto moved, Heit supported approving a letter of intent with Emergency Vehicles Plus stating our intent to purchase a new fire truck in order to secure current pricing.

Motion CARRIED

h. Special Land Use Approval – Native Leaf, LLC

Heit moved, Hannon supported granting preliminary approval for Special Land Use to Native Leaf, LLC to operate an Adult-Use Marihuana Retail Establishment at 19839 US 12, New Buffalo, MI being 11-13-0019-0015-00-1 with the following conditions:

- The sewer extension to serve this site from the existing manhole to the new manhole must be an 8" sewer meeting 10 State of Michigan Standards and permitted through EGLE and dedicated to the Township.
- Building service should be connected downstream of the manhole.
- Plans, specification and a permit application will need to be submitted to the Township and GRSD Sewer Authority for review and approval after any special use permit and site plans have been approved.
- The review of the construction documents and permit application will outline the specific requirements for construction, observation, testing, record documentation, acceptance, etc.

Roll Call Vote:

Hannon Yes

Heit	Yes
Iazzetto	Yes
Rahm	Absent
Rogers	Yes

Motion CARRIED

i. Special Land Use Approval – Bobeck Real Estate Company (Highway Horticulture)

Heit moved, Rogers supported granting preliminary approval of a Special Land Use to Bobeck Real Estate Company (Highway Horticulture) to operate an Adult-Use Marihuana Retail Establishment at 19563 US 12, New Buffalo, MI being 11-13-0019-0014-00-5 with the following conditions:

- An EGLE permit is obtained due to the presence of wetland in the areas of the property to be disturbed by construction.
- Variances for parking are obtained for parking within the front yard in an Industrial Zone and parking in excess of 130%; and a variance is obtained for parking landscaping, specifically the tree island at the end of each row and additional island as required for excess parking.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Yes
Rahm	Absent
Rogers	Yes

Motion CARRIED

j. Special Land Use Approval – Mitten State Engineering LLC

Rogers moved, Heit supported granting preliminary approval of a Special Land Use to Mitten State Engineering LLC (JMS 75 LLC) to operate an Adult-Use Marihuana Retail Establishment at 13964 Grand Ave, New Buffalo, MI being 11-13-3100-0023-01-4 with the following conditions: the agreement for off-site parking must be recorded with the Berrien County Register of Deeds office.

Roll Call Vote:

Hannon	Yes
Heit	Yes

lazzetto	Yes
Rahm	Absent
Rogers	Yes

Motion CARRIED

k. Closed Session - Consultation with attorney regarding 10299 US 12 LLC v. New Buffalo Township, et al.; Berrien County Case No. 23-0309-CZ-H

lazzetto moved, Rogers supported the Board of Trustees of New Buffalo Township assembling in closed session at 4:35 p.m. to consult with its counsel regarding trial and settlement strategy in connection with the litigation filed in Berrien County Circuit Court entitled:

10299 US 12 LLC v. New Buffalo Township, Lijewski and Son Auto, LLC, and The Releaf Center Case No. 23-0309

since discussing the trial and/or settlement strategy in open meeting would have a detrimental financial effect on the litigating or settlement position of this board. MCL 15.268(e) permits this board to assemble in closed session under these circumstances.

Roll Call Vote:

Hannon	Yes
Heit	Yes
lazzetto	Yes
Rahm	Absent
Rogers	Yes

Motion CARRIED

Heit moved, Rogers supported reconvening in open session at 5:35 p.m.

Roll Call Vote:

Hannon	Yes
Heit	Yes
lazzetto	Yes
Rahm	Absent
Rogers	Yes

Motion CARRIED

I. USDA Grant Resolution

Heit resolved, Hannon supported adopting Resolution 20240220 regarding a USDA grant application as required by the USDA and putting for \$10,000 in grant matching funds.

Roll Call Vote:

Hannon	Yes
Heit	Yes
lazzetto	Yes
Rahm	Absent
Rogers	Yes

Motion CARRIED

9. BOARD COMMENTS

A special meeting of the New Buffalo Township Board will take place on March 11, 2024 at 6:00 p.m. to hear a presentation from the Berrien County Road Department regarding the improvements to Red Arrow Highway schedule to begin on March 18, 2024.

10. ADJOURNMENT

Heit moved, lazzetto supported adjourning at 5:37 p.m.

Motion CARRIED

The meeting adjourned at 5:37 p.m.

Submitted By:



Michelle Hannon, Clerk
New Buffalo Township