

**NEW BUFFALO TOWNSHIP BOARD  
PUBLIC HEARING/REGULAR MEETING  
APRIL 15th, 2024 4:00 P.M.  
17425 Red Arrow Hwy. New Buffalo, MI 49117  
Minutes**

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

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

Present: Hannon, Heit, Iazzetto, Rahm & Rogers

Not Present:

Pledge of Allegiance

**2. PUBLIC HEARING ON THE US-12 WATER & SEWER SPECIAL ASSESSMENT DISTRICT**

Heit moved, Hannon seconded, opening the public hearing on the US-12 Water & Sewer Special Assessment District.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Yes
Rahm	Yes
Rogers	Yes

Motion            CARRIED

**PUBLIC COMMENT ON THE US-12 WATER & SEWER SPECIAL ASSESSMENT DISTRICT – None**

Rahm moved, Iazzetto seconded, closing the public hearing on the US-12 Water & Sewer Special Assessment District.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Yes
Rahm	Yes
Rogers	Yes

Motion            CARRIED

**3. ITEMS TOO LATE FOR PRINTED AGENDA**

- Add approval of Metro Business invoice for an office chair for Water Superintendent Alex Keen in the amount of \$575.00 to Consent Agenda

- Add approval of Abonmarche invoice for services in connection with the Marquette Greenway in the amount of \$57,001.60 as the new agenda item “u”
- Move closed session to agenda item “v”

#### 4. APPROVE AGENDA

Rahm moved, Rogers seconded, approving the agenda as amended.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Yes
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 – Public Comments were heard by the Board.

#### 7. CONSENT AGENDA

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

Minutes of the March 18th regular meeting  
 Treasurer’s Report  
 Bills

1. General \$14,573.25
2. Public Safety Millage \$312,545.53
3. Park Millage \$8,400.52
4. Building \$9,092.90
5. LRSB Discretionary \$0
6. Sewer & Water \$100,366.74
7. Marina \$6,688.59

- 8. Payroll \$80,842.92
- 9. Trust & Agency \$0

Two quotes from Tuscan Valley Landscaping for landscaping work at Pleasure Isle Marina in the total amount of \$4,528.35.

Quote from Tuscan Valley Landscaping for landscaping clean up and maintenance work at Township Hall, Union Pier/Townline trailhead, and Memorial Park in the amount of \$9,231.20.

Payment of \$1,000 to the Pleasure Isle Marina HOA fund.

Metro Business invoice for an office chair for Water Superintendent Alex Keen in the amount of \$575.00

Roll Call Vote:

Hannon	Yes
Heit	Yes
lazzetto	Yes
Rahm	Yes
Rogers	Yes

Motion CARRIED

**8. NEW BUSINESS**

**a. US-12 Water/Sewer Extension Special Assessment Resolution**

lazzetto resolved, Rogers seconded, adopting US-12 Special Assessment District Resolution #4 which sets the Exit 4 Special Assessment Roll.

Roll Call Vote:

Hannon	Yes
Heit	Yes
lazzetto	Yes
Rahm	Yes
Rogers	Yes

Resolution ADOPTED

**b. US-12 SAD Bond Resolution**

Rahm resolved, Rogers seconded, adopting Resolution 20240415a which authorizes the issuance of special assessment bonds for the Exit 4/US-12 Special Assessment District.

Roll Call Vote:

Hannon	Yes
Heit	Yes

lazzetto	Yes
Rahm	Yes
Rogers	Yes

Resolution ADOPTED

**c. US-12 MDOT Traffic Light Resolution**

Rahm resolved, lazzetto seconded, adopting Resolution 20240415b which states the necessity of a traffic light on US-12 near the railroad crossing to Grand Beach and Michiana.

Roll Call Vote:

Hannon	Yes
Heit	Yes
lazzetto	Yes
Rahm	Yes
Rogers	Yes

Resolution ADOPTED

**d. Wage Increase – Utility Superintendent**

Rogers moved, Heit seconded, approving a step increase for Utility Superintendent Alex Keen to \$85,000 for his annual salary.

Motion CARRIED

**e. Hire Seasonal Employees**

lazzetto moved, Rogers seconded, hiring Sam Wendel-Suppa, Evan Spriggs, and Ben Coffeen at \$15.50 per hour and Archie Barkman at \$20.00 per hour as seasonal park employees.

Motion CARRIED

**f. Bond Payment Approval**

Heit moved, Rogers seconded, approving a bond payment of \$230,625 from the public safety fund for the public safety building at 18959 US-12.

Motion CARRIED

**g. Water Department Locator**

Rahm moved, lazzetto seconded, approving a quote from Ferguson Waterworks for a utility locator for the Water Department in the amount of \$8,638.00.

Motion CARRIED

**h. Pokagon Fund Grant Application – Veterans Park & School Supply Giveaway**

Rogers moved, Iazzetto seconded, approving municipal grant applications to the Pokagon Fund in the amount of \$400,000 for a Veterans' Park at Clay Street & US-12 and \$10,000 for the school supply giveaway at Public Safety Day.

Motion CARRIED

**i. Marquette Greenway Agreement – Berrien County Road Department**

Iazzetto moved, Rogers seconded, approving an agreement with the Berrien County Road Department for \$150,000 as the Township's share of the local match for the Marquette Greenway.

Motion CARRIED

**j. Pleasure Isle Marina Lease Agreement Addendum**

Rahm moved, Rogers seconded, approving an addendum to the Pleasure Isle office space lease agreement with Outdoor One Inc, which amends the term of the lease from 2 years to 3 years with an increase of 6% for the second and third term each.

Motion CARRIED

**k. Code Enforcement Vehicle Purchase**

Heit moved, Rogers seconded, approving the purchase of a Ford Explorer for an amount not to exceed \$41,000 from Sieman's Ford for code enforcement.

Motion CARRIED

**l. Pool Fill Policy and Agreement**

Rahm moved, Iazzetto seconded, adopting a pool fill policy and related pool fill release and agreement for the Fire Department.

Motion CARRIED

**m. Outdoor Assembly Ordinance**

Heit moved, Hannon seconded, adopting an amended Outdoor Assembly Ordinance and related application.

Roll Call Vote:

Hannon Yes

Heit	Yes
lazzetto	Yes
Rahm	Yes
Rogers	Yes

Ordinance      ADOPTED

**n. Outdoor Assembly Resolution**

Rahm moved, Rogers seconded, adopting resolution 20240415c which sets the fee for the Outdoor Assembly Permit and sets the number of permits to two per any calendar date.

Roll Call Vote:

Hannon	Yes
Heit	Yes
lazzetto	Yes
Rahm	Yes
Rogers	Yes

Resolution      ADOPTED

**o. Utility Easement**

Rahm moved, Rogers seconded, approving a utility easement agreement with the owner of 9950 US- 12 being parcel number 11-13-0012-0010-00-2.

Motion      CARRIED

**p. Special Land Use Approval – Mitten State Engineering, LLC**

lazzetto moved, Rogers seconded, granting preliminary approval of a Special Land Use to Mitten State Engineering, LLC to operate an Adult-Use Marihuana Retail Establishment at 18350 US-12, New Buffalo, MI being 11-13-0009-0004-01-0.

Roll Call Vote:

Hannon	Yes
Heit	Yes
lazzetto	Yes
Rahm	Yes
Rogers	Yes

Motion      CARRIED

**q. Special Land Use Approval – Larry Hanna, EMS Holdings, LLC**

Rogers moved, Hannon seconded, granting preliminary approval of a Special Land Use to Larry Hanna, EMS Holdings, LLC to operate an Adult-Use Marihuana Retail Establishment at 19333

M239 (formerly known as 11309 Wilson Rd), New Buffalo, MI being 11-13-0022-0001- 02-7 with condition the applicant obtains a parking variance and is a good neighbor.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Yes
Rahm	Yes
Rogers	Yes

Motion CARRIED

**r. Special Land Use Approval – CSAB Green, LLC**

Rahm moved, Rogers seconded, granting final approval of a Special Land Use to CSAB Green, LLC to operate an Adult-Use Marihuana Retail Establishment at 11253 M-239, New Buffalo, MI being 11-13-0015-0011-27-5 with the following conditions:

- 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	Yes
Rahm	Yes
Rogers	Yes

Motion CARRIED

**s. Special Land Use Approval – JARS Ventures 12 LLC**

Rahm moved, Iazzetto seconded, granting final approval of a Special Land Use to JARS Ventures 12 LLC to operate an Adult-Use Marijuana Retail Establishment at 19799 US-12, New Buffalo, MI being 11-13-0019-0007-01-7 with the following conditions:

- The applicants must adhere to the standards detailed in the New Buffalo Township Zoning Ordinance Article 455-5.22 Marijuana 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 Marijuana 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	Yes
Rahm	Yes
Rogers	Yes

Motion CARRIED

**t. Special Land Use Approval – Farmette, LLC**

Heit moved, Rogers seconded, granting final approval of a Special Land Use to Farmette LLC to install a small (10'x24') lean-to greenhouse for vegetables, herb and flower propagation (no marijuana) on the south-west side of the building located at 18439 US-12, New Buffalo, MI being 11-13-0019-0002-10-0.

Roll Call Vote:



Hannon	Yes
Heit	Yes
lazzetto	Yes
Rahm	Yes
Rogers	Yes

Motion CARRIED

**u. Abonmarche Payment Approval**

Heit moved, Hannon seconded, approving a payment of \$57,0001.60 to Abonmarche for services in connection with the Marquette Greenway.

Motion CARRIED

**v. 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, Rogers seconded, that the Board of Trustees of New Buffalo Township assemble in closed session at 5:20 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) permit this board to assemble in closed session under these circumstances.

Roll Call Vote:

Hannon	Yes
Heit	Yes
lazzetto	Yes
Rahm	Yes
Rogers	Yes

Motion CARRIED

Heit moved, Hannon seconded, reconvening in open session at 5:38 p.m.

Roll Call Vote:

Hannon	Yes
Heit	Yes
lazzetto	Yes
Rahm	Yes
Rogers	Yes

Motion CARRIED

**9. BOARD COMMENTS**

- Red Arrow Highway construction is ongoing.
- The sewer line along US-12 South of the City of New Buffalo has been moved as part of the Marquette Greenway project.
- The New Buffalo Business Association asked if the Township would be interested in sponsoring the New Buffalo Farmers' Market. More information will be obtained.
- Correspondence was received from Grand Beach with regard to funds received from marihuana.

**10. ADJOURNMENT**

Heit moved, Rahm seconded, adjourn at 5:39 p.m.

Motion      CARRIED

Meeting adjourned at 5:39 p.m.

Submitted By:

  
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Michelle Hannon, Clerk