

**NEW BUFFALO TOWNSHIP BOARD
REGULAR MEETING
May 18th, 2026, 5:00 P.M.
17425 Red Arrow Hwy. New Buffalo, MI 49117
Minutes**

Supervisor Heit called the meeting to order at 5:00 p.m.

1. ROLL CALL & PLEDGE OF ALLEGIANCE

Present: Anderson, Hannon, Heit, Iazzetto, Males
Not Present: None
Pledge of Allegiance

PRESENTATION ON HARBOR COUNTRY DRIVE– Mark Heyliger of the Berrien County Road Department

2. ITEMS TOO LATE FOR PRINTED AGENDA

- Add to Consent Agenda: Approve payment of invoice from Fusion Design Group in the amount of \$7,300.00 for web design and web programming.
- Board Comments to be given before Closed Session (Item 7p)

3. APPROVE AGENDA

Males moved, Iazzetto supported, approving the agenda, as amended.

Roll Call Vote:

Anderson	Yes
Hannon	Yes
Heit	Yes
Iazzetto	Yes
Males	Yes

Motion CARRIED

4. REPORTS

Building
Code Enforcement
Fire
Galien River Sanitary District
Library
LRSB
Marina
Park

Pine Grove Cemetery
Pokagon Fund
Police

5. **PUBLIC COMMENTS** – Public comments were heard by the Board.

6. **CONSENT AGENDA**

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

Minutes of the April 20th regular meeting and May 14th special meeting
Treasurer's Report
Bills

1. General \$89,551.45
2. Public Safety Millage \$103,399.82
3. Park Millage \$13,112.71
4. Building \$11,325.66
5. LRSB Discretionary \$141.22
6. Sewer & Water \$105,305.73
7. Marina \$93,895.90
8. Payroll \$99,631.09
9. Trust & Agency \$170.00

Approve a quote from Lakeshore Recycling for trash pickup at the Public Safety Building and Pleasure Isle Marina

Approve a \$5,000 stipend for the Zoning Administrator, Code Enforcement Officer, Building Dept. Assistant and the Building Official

Approve payment of \$12,500 to the City of New Buffalo for half of the township's portion of the July 3rd fireworks display to R & R Pyrotechnics

Approve the Public Safety Day event to be held on August 9th and the Friends of NBT Fire Fired Up 5K on September 19th 2026

Approve a one-year leave of absence from the Fire Department for Firefighter Audrey Proctor

Approve Supervisor Heit and Zoning Administrator Brinkman attend the Building Michigan Communities Conference in Lansing in the amount of \$400 each plus meals, mileage and lodging

Approve quote from Sentinel in the amount of \$3,343.39 for brackets for the new fire truck

Approve a quote from Bowen Painting LLC in the amount of \$6,789.00 for painting at Memorial Park pavilion

Approve updated pavilion rental form

Approve payment of invoice from Fusion Design Group in the amount of \$7,300.00 for web design and web programming.

Discussion was held.

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

Minutes of the April 20th regular meeting and May 14th special meeting
Treasurer's Report
Bills

10. General \$89,551.45
11. Public Safety Millage \$103,399.82
12. Park Millage \$13,112.71
13. Building \$11,325.66
14. LRSB Discretionary \$141.22
15. Sewer & Water \$105,305.73
16. Marina \$93,895.90
17. Payroll \$99,631.09
18. Trust & Agency \$170.00

Approve a quote from Lakeshore Recycling for trash pickup at the Public Safety Building and Pleasure Isle Marina

Approve a \$2,500 stipend for the Zoning Administrator, Code Enforcement Officer, Building Dept. Assistant, Building Official, Utility Superintendent, and both Utility Workers.

Approve a \$500 stipend for the Utility Billing Clerk, Financial Administrator, and Deputy Treasurer.

Approve payment of \$12,500 to the City of New Buffalo for half of the township's portion of the July 3rd fireworks display to R & R Pyrotechnics

Approve the Public Safety Day event to be held on August 9th and the Friends of NBT Fire Fired Up 5K on September 19th 2026

Approve a one-year leave of absence from the Fire Department for Firefighter Audrey Proctor

Approve Supervisor Heit and Zoning Administrator Brinkman attend the Building Michigan Communities Conference in Lansing in the amount of \$400 each plus meals, mileage and lodging

Approve quote from Sentinel in the amount of \$3,343.39 for brackets for the new fire truck

Approve a quote from Bowen Painting LLC in the amount of \$6,789.00 for painting at Memorial Park pavilion

Approve updated pavilion rental form

Approve payment of invoice from Fusion Design Group in the amount of \$7,300.00 for web design and web programming.

Roll Call Vote:

Anderson	<u>Yes</u>
Hannon	<u>Yes</u>
Heit	<u>Yes</u>
lazzetto	<u>Yes</u>
Males	<u>Yes</u>

Motion CARRIED

7. NEW BUSINESS

a. Joint Board of Review Resolution

Hannon moved, Males supported, adopting resolution 20260518a which states the City of New Buffalo and New Buffalo Township will hold joint Board of Review Sessions.

Roll Call Vote:

Anderson	<u>Yes</u>
Hannon	<u>Yes</u>
Heit	<u>Yes</u>
lazzetto	<u>Yes</u>
Males	<u>Yes</u>

Resolution ADOPTED

b. Earth Day Resolutions

Males moved, Anderson supported, adopting resolutions 20260518b, 20260518c, 20260518d, 20260518e, 20260518f, 20260518g and 20260518h which recognizes Flourish Books & Plants, Whittaker Woods, Supergood, Elevated Exotics, Flower Bowl, King of Budz and Harbor Country Rolloffs for their cleanup efforts in on Earth Day.

Roll Call Vote:

Anderson	<u>Yes</u>
Hannon	<u>Yes</u>
Heit	<u>Yes</u>
lazzetto	<u>Yes</u>
Males	<u>Yes</u>

Resolutions ADOPTED

c. Corridor Improvement Authority Resolution

Males moved, Heit supported, adopting Resolution 20260518i which states the township board will hold a public hearing on June 15th on extending the Corridor Improvement Authority an additional 10 years.

Roll Call Vote:

Anderson	Yes
Hannon	Yes
Heit	Yes
lazzetto	Yes
Males	Yes

Resolution ADOPTED

d. Bulk Water Fill Station Pay Application #2 – Oselka Construction

lazzetto moved, Hannon supported, approving pay application #2 from Oselka Construction in the amount of \$10,535.50 for the bulk water fill station project.

Motion CARRIED

e. Tribute Plaza Change Order #2 and Pay Application #6– BG Construction

Heit moved, lazzetto supported, approving change order #2 from BG Construction in the amount of \$43,267.10 for flag stabilization, wall modifications, irrigation adjustments, culvert addition and additional drainage items and pay application #6 in the amount of \$122,245.41 for Tribute Plaza.

Motion CARRIED

f. Sewer Extension – 19471 US-12

Males moved, Anderson supported, accepting the sewer extension at 19471 US-12 which has been completed in accordance with the New Buffalo Township’s Policy for Acceptance of Public Water and Sewer Systems Completed by Developers.

Motion CARRIED

g. Pleasure Isle Marina Payment

Hannon moved, Males supported, approving an invoice from the Bill Deputy Foundation in the amount of \$84,166.66 for the final payment for Pleasure Isle Marina.

Motion CARRIED

h. State Fire Equipment Grant

lazzetto moved, Hannon supported, approving the submission of a State of Michigan Fire Equipment grant application to the State of Michigan for hose, nozzles, and a rapid attack portable monitor in the amount of \$49,138.29.

Motion CARRIED

i. Marijuana Establishment CRA/SLU Violations – Mint Cannabis

Males moved, Anderson supported, approving scheduling a hearing on June 22nd, 2026, at 5:00 pm for Mint Cannabis at 18300 W. US-12, New Buffalo to consider SLU conditions and revocation.

Roll Call Vote:

Anderson	Yes
Hannon	Yes
Heit	Yes
lazzetto	Yes
Males	Yes

Motion CARRIED

j. Marijuana Establishment CRA/SLU Violations – Trapstars Outlet

Hannon moves, Heit supported, approving scheduling a hearing on June 22nd, 2026, at 5:00 pm for Trapstars Outlet at 13964 Grand Ave., New Buffalo to consider SLU conditions and revocation.

Roll Call Vote:

Anderson	Yes
Hannon	Yes
Heit	Yes
lazzetto	Yes
Males	Yes

Motion CARRIED

k. Marijuana Establishment CRA/SLU Violations – Refine New Buffalo

lazzetto moved, Hannon supported, approving scheduling a hearing on June 22nd, 2026, at 5:00 pm for Refine New Buffalo at 19281 US-12, New Buffalo to consider SLU conditions and revocation.

Roll Call Vote:

Anderson	Yes
Hannon	Yes
Heit	Yes
lazzetto	Yes
Males	Yes

Motion CARRIED

l. Marijuana Establishment CRA/SLU Violations – The Plug New Buffalo

Males moved, Anderson supported, approving scheduling a hearing on June 22nd, 2026, at 5:00 pm for The Plug New Buffalo at 19015 US-12, New Buffalo to consider SLU conditions and revocation.

Roll Call Vote:

Anderson	Yes
Hannon	Yes
Heit	Yes
lazzetto	Yes
Males	Yes

Motion CARRIED

m. Outdoor Assembly Permit Fee Waiver

Heit moved, lazzetto supported, approving waving the fee for an Outdoor Assembly Permit for PHOG Entertainment for the Red Arrow Halloween 5K Run & Walk on October 31, 2026.

Motion DEFEATED

n. Special Land Use Extension Approval – 19325 US HWY 12 LLC

Heit moved, Hannon supported, granting a six-month extension of a preliminary approval of a Special Land Use to 19325 US HWY 12 LLC at 19325 US-12, New Buffalo until November 20, 2026.

Discussion was held.

Heit moved, Hannon supported, granting a six-week extension of a preliminary approval of a Special Land Use to 19325 US HWY 12 LLC at 19325 US-12, New Buffalo until July 1, 2026.

Roll Call Vote:

Anderson	Yes
Hannon	Yes
Heit	Yes
lazzetto	Yes
Males	Yes

Motion CARRIED

o. Special Land Use Approval – Grand Ave Retail LLC

Males moved, Heit supported, granting final approval of Special Land Use to Grand Ave Retail, LLC to operate an Adult-Use Marihuana Retail Establishment at 19511 US 12, New Buffalo, Michigan 49117; being parcel number 11-13-3100-0006-02-1 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:

Anderson	Yes
Hannon	Yes
Heit	Yes
Iazzetto	Yes
Males	Yes

Motion CARRIED

p. Closed Session regarding pending litigation.

Heit moved, Hannon supported, going into closed session at 6:34 p.m. that pursuant to MCL 15.268(1)(e) the Board of Trustees of New Buffalo Township adjourn to a closed session to consult with its attorneys regarding trial and settlement strategy in connection with the following pending litigation:

- (1) Cloud Opportunity II, LLC d/b/a Bloomery Cannabis New Buffalo v. New Buffalo Township, Berrien County Case No. 2026-0093-CB;
- (2) PER III, LLC d/b/a Trapstars Outlet v. New Buffalo Township, US District Court for the Western District of Michigan, Southern Division, Case No. 26-cv-01198-PLM-MV;
- (3) 19393 US 12, LLC v. New Buffalo Township, US District Court for the Western District of Michigan, Southern Division, Case No. 26-cv-01391;
- (4) 10299 US 12 LLC v New Buffalo Township et. al., Berrien County Circuit Court Case No. 23-0309-CZ-H;
- (5) 10299 US 12, LLC v New Buffalo Township, Berrien County Circuit Court Case No. 25-000065-AA; and
- (6) 10299 US 12, LLC v New Buffalo Township, Michigan Court of Appeals Case No. 380637

because the discussion of trial and/or settlement strategy in an open meeting would have a detrimental financial effect on the litigating or settlement position of the Township.

Roll Call Vote:

Anderson	Yes
Hannon	Yes
Heit	Yes
lazzetto	Yes
Males	Yes

Motion CARRIED

Heit moved, Hannon supported, reconvening in open session at 7:11 p.m.

Roll Call Vote:

Anderson	Yes
Hannon	Yes
Heit	Yes
lazzetto	Yes
Males	Yes

Motion CARRIED

8. BOARD COMMENTS (*Given before Item 7p – Closed Session*)

- Thank you to everyone who participated in the Second Annual Earth Day Challenge!
- The ribbon cutting for Tribute Plaza is scheduled for June 16, 2026, at 10:00 a.m.
- A Memorial Day Ceremony will take place at Pine Grove Cemetery on May 28, 2026, at 10:00 a.m.
- New Buffalo Township will host America’s Birthday Bash on July 1, 2026, at Memorial Park (next to Township Hall). Approximate time will be 4:30 p.m. to 8:30 p.m.
- Congratulations to Building and Zoning Administrator, Estelle Brinkman, and Building Department Secretary/Zoning Assistant, Rachel Schaub-Evans for 25 years of service.
- Music in the Parks will begin on June 17, 2026, and will take place every Wednesday through September 2, 2026.
- Preliminary discussions with Corewell Health regarding an urgent care in Harbor Country begin this week.

9. ADJOURNMENT

Heit moves, lazzetto supported, adjourning at 7:11 p.m.

Motion CARRIED

Submitted By:



Michelle Hannon, Clerk
New Buffalo Township