

**NEW BUFFALO TOWNSHIP BOARD REGULAR MEETING  
MAY 20th, 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, Rahm & Rogers  
Not Present: Iazzetto  
Pledge of Allegiance

**2. PRESENTATIONS**

Shelly Weich, Berrien County Treasurer  
Lora Freehling, Berrien County Register of Deeds  
New Buffalo Business Association

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

- Add Closed Session Minutes from February 20, 2024, and April 15, 2024, to Consent Agenda
- Add Wightman invoices in the amounts of \$3,073.75, \$375.00, and \$900 to Consent Agenda

**4. APPROVE AGENDA**

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

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 February 20<sup>th</sup> closed session, April 15<sup>th</sup> regular meeting, April 15<sup>th</sup> closed session, and April 24<sup>th</sup> special meeting

Treasurer's Report

Bills

1. General \$211,093.94
2. Public Safety Millage \$93,518.08
3. Park Millage \$30,352.73
4. Building \$14,212.60
5. LRSB Discretionary \$66,098.70
6. Sewer & Water \$151,441.27
7. Marina \$93,418.38
8. Payroll \$52,801.12
9. Trust & Agency \$17,225.00

HOA dues to Pleasure Isle Marina HOA in the amount of \$1,000

Quote from The Edge It for a new Elections laptop in the amount of \$1,186.36

HSA payment to Utility Billing Clerk Julie Monahan in the amount of \$2,666.64

NBT Fire Public Safety Day to be held on August 4<sup>th</sup>, 2024 and Friends of NBT Fire Fired Up 5k to be held on September 28<sup>th</sup>, 2024

Appointing Treasurer Jack Rogers as the New Buffalo Township representative to the Medic 1 board, effective immediately

Appointing Trustee Patty Iazzetto as the New Buffalo Township representative to the Pokagon Fund Board of Directors, effective July 1<sup>st</sup>, 2024

Invoices from Wightman in the amounts of \$3,073.75, \$375.00, and 900.00

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent

Rahm	Yes
Rogers	Yes

Motion CARRIED

## 8. NEW BUSINESS

### a. US-12 Water/Sewer Project – Pajay Construction Inc.

Rahm moved, Rogers supported, accepting a bid from Pajay Construction Inc. in the amount of \$1,396,292.50 subject to the receipt of the required bonding and insurance, and the sale of the bonds to fund the project.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Motion CARRIED

### b. LRSB Transfer

Rahm moved, Rogers supported, approving a transfer of funds from LRSB to the General Fund in the amount of \$200,000, as approved in the budget.

Motion CARRIED

### c. Water Service Project Contract

Rogers moved, Heit supported, approving a bid in the amount of \$59,966.00 from Duke's Root Control, Inc. for contracted water service inspections upon the receipt of the required bonding and insurance.

Motion CARRIED

### d. Water Tower Repainting Project

Rogers moved, Hannon supported, approving a bid in the amount of \$149,000 from L.C. United Painting for the water tower repainting project as recommended by Dixon Engineering.

Motion CARRIED

**e. Pleasure Isle Marina Payment**

Heit moved, Rogers supported, approving an invoice from the Bill Deputy Foundation in the amount of \$85,833.33 for Pleasure Isle Marina.

Motion CARRIED

**f. Berrien County Road Vacation**

Rahm moved, Rogers supported, requesting the Berrien County Road Department vacate undeveloped First Street off Grand Ave. and undeveloped LaPorte Road off M-239.

Motion CARRIED

**g. Shoreline Erosion Resolution**

Rahm resolved, Rogers supported, adopting resolution 2024-05-20 in support of the Great Lakes Coalition's request to the State of Michigan for a strategy for restore our Michigan beaches.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Resolution ADOPTED

**h. Employee Handbook Amendment**

Hannon moved, Heit supported, approving an amendment to the Employee Handbook, regarding unpaid time off.

Motion CARRIED

**i. Special Land Use Approval – Oasis Wellness Center of Bangor Twp. IV LLC**

Rogers moved, Hannon supported, granting preliminary approval of a Special Land Use to Oasis Wellness Center of Bangor Twp IV, LLC to operate an Adult-Use Marijuana Retail Establishment at Harbor Country Dr (Division 2), New Buffalo, MI being part of 11-13-0015-0004-07-4 with condition the applicant obtains variance for proposed excess parking and the property is developed consistent with the site plan as presented.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Motion CARRIED

**j. Special Land Use Amendment – New Buffalo Holdings, LLC**

Rahm moved, Rogers supported, granting an amendment to an existing approval of a Special Land Use to New Buffalo Holdings, LLC to operate an Adult-Use Marijuana Retail Establishment at 11539 O'Brien Ct, New Buffalo, MI being 11-13-0015-0011-20-8 with condition that variance is obtained for any excess parking and the removal of required sidewalks as proposed; permanent or temporary shields are installed on all exterior lights installed on the building and in the parking lot within (14) days; and the property is developed consistent with the site plan as presented.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Motion CARRIED

**k. Special Land Use Approval – Mitten State Engineering LLC**

Heit moved, Hannon supported, granting preliminary approval of a Special Land Use to Mitten State Engineering LLC to operate an Adult-Use Marijuana Retail Establishment at 11451 O'Brien Ct, New Buffalo MI being 11-13-0015-0011-24-1 with condition a parking variance is obtained; and the property is developed consistent with the site plan as presented.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Motion CARRIED

**i. Special Land Use Final Approval – Casey Kornoelje, Five Lakes NBT, Inc.**

Rahm moved, Rogers supported, granting Final Approval of a Special Land Use to Casey Kornoelje of Five Lakes NBT, Inc to operate an Adult-Use Marihuana Retail Establishment at 19267 US 12, New Buffalo, MI being 11-13-2700-0019-00-1 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:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Motion CARRIED

**m. 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 supported, the Board of Trustees of New Buffalo Township assembling in closed session at 4:44 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
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Motion CARRIED

Heit moved, Rogers supported, reconvening in open session at 5:04 p.m.

Roll Call Vote:

Hannon	Yes
Heit	Yes
Iazzetto	Absent
Rahm	Yes
Rogers	Yes

Motion CARRIED

**9. BOARD COMMENTS**

The Red Arrow Highway construction project is ahead of schedule and one lane is now open in each direction.

**10. ADJOURNMENT**

Rahm moved, Rogers supported, adjourning at 5:05 p. m.

Motion CARRIED

Meeting adjourned at 5:05 p.m.

Submitted By:

  
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Michelle Hannon, Clerk