

**NILES CHARTER TOWNSHIP
JANUARY 17, 2012
REGULAR MEETING**

Supervisor Kidwell called the meeting to order at 7:00 p.m. at the Township Hall, 320 Bell Road. Durm-Hiatt led the Pledge of Allegiance.

Roll Call: Cooper, Durm-Hiatt, Kuehn, Kidwell, Noble, Ringler. Absent: Conover.

Agenda Approval: Durm-Hiatt added Building Safety annual report, and appointments to the Construction Board of Appeals to the consent agenda. Ringler added resolution for MDOT utility permit for DPW. to new business. Ringler motion to accept the agenda with additions, Kidwell supported.
All voting in favor

MOTION CARRIED.

Consent Agenda: Durm-Hiatt motioned to approve consent agenda with additions, Ringler supported.
Expenditures and Transfers 01-17-2012

General O & M \$248,088.69	Water O & M \$9,905.97
Fire O & M \$32,126.25	Sewer City Charge \$68,091.74
Sewer O & M \$22,380.19	Capital Improvement \$3,769.62
Special Assessment \$363.58	Grand Total \$384,726.04

1. Minutes for January 3, 2012, regular meeting,
2. Accepted for file: Scott Krueger S-4 certificate, Building Safety annual report.
3. Meeting room agreement with Marathon Petroleum
4. Re-appointment of Terry Merica to the District Library Board.
5. Appointment of Dan Smothermon and the re-appointment of Gene Gorton and Bill Messner to the Construction Board of Appeals, with terms ending 12-31-13.

ROLL CALL AYES: Noble, Ringler, Cooper, Durm-Hiatt, Kuehn, Kidwell.
NAYES: None.

MOTION CARRIED.

Correspondence/Announcements: Kidwell announced the February 13, 2012 joint meeting with the Township Park Board. Durm-Hiatt announced that the 2011 financial statements for the Landfill are available to review. Ringler stated that he would be distributing draft copies of the water agreement with the City of Niles to the Trustees to review, with action at the next meeting.

Supervisor Report: None.

Comments from the Public: Sheriff Bailey presented the police report. He also commented on a special team formed to work on the B & E's in our area, the team has been very successful. Bailey announced that the Sheriff department is working very closely with St. Joseph County In. and trying to get radio communication between the agencies.

Unfinished Business: None.

New Business:

Ordinance #72 Establishing a Planning Commission: Durm-Hiatt stated that the Ordinance was properly posted and had not received any written comments. Cooper motioned to approve the Ordinance # 72 establishing the Planning Commission, as required by the State Planning Enabling Act. Kidwell supported.

ROLL CALL AYES: Ringler, Cooper, Durm-Hiatt, Kuehn, Noble, Kidwell.

NAYES: None.

MOTION CARRIED.

MDOT Utility Permit: Ringler explained that this was a yearly blanket permit allowing the DPW work within the State right-of-way on utility projects. Ringler motioned, supported by Kidwell to approve the resolution.

ROLL CALL AYES: Cooper, Durm-Hiatt, Kuehn, Noble, Ringler, Kidwell.

NAYES: None.

MOTION CARRIED.

Comments from the Public: None

Closed Session: Durm-Hiatt moved that the board meet in closed session under section 8(e) of the Open Meetings Act, to consult with our attorney (Fred Lucas) regarding trial or settlement strategy in connection with Case No. 2011-1501-CZ-D (Shane Daniel vs Niles Charter Township, Mary Margaret LaSata Spiegel, Marge-Durm-Hiatt and James Ringler.) Ringler supported the motion.

ROLL CALL AYES: Durm-Hiatt, Kuehn, Noble, Ringler, Cooper, Kidwell.

NAYES: None.

MOTION CARRIED.

Reconvened Open Session: At 8:08 the Board returned to open session. Cooper said with the information he had received from the attorney he was not prepared at this time to take any action. Noble agreed. Kidwell request to go on record that he feels the township should settle the law suit now in order to save the taxpayers' money.
No Action was taken.

Committee Reports:

Conover: Absent

Durm-Hiatt: is working on the February 28, Presidential primary election.

Ringler: None.

Kidwell: Gieger Park residents have begun the process of establishing a street light district.

Kuehn: the Park Board has received a sample lease from AEP concerning the trail right-of- way, it has been reviewed by attorney Lohrstorfer. The Park Board hopes to accept the lease agreement at the February meeting then pass it unto the Township Board.

Noble: None.

Cooper: None.

Kuehn motioned to adjourn at 8:17 p.m. Cooper supported the motion.
All voting in favor

MOTION CARRIED.

Respectfully submitted,

Marge Durm-Hiatt, Clerk