

**NILES CHARTER TOWNSHIP  
MARCH 19, 2012  
REGULAR MEETING**

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

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

**Agenda Approval:** Kidwell asked that the order of the agenda be changed to accommodate the trail presentation and 1730 South 3<sup>rd</sup>. Street. Durm-Hiatt asked that the minutes of the March 5, 2012 public hearing be added to the consent agenda. Kuehn motioned to approve the agenda with addition and changes. Noble supported.  
All voting in favor

**MOTION CARRIED.**

**Consent Agenda:** Cooper motioned to approve consent agenda, Noble supported.

1. Expense and Transfer for March 19, 2012

General O & M	\$36,445.78	Water O & M	\$2,068.58
Fire O & M	\$35,951.75	Sewer O & M	\$15,473.41
Special Assessment	\$3,408.58		

**GRAND TOTAL: \$92,348.06**

2. Minutes for March 5, 2012, regular meeting and Public Hearing.

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

NAYES: None.

**MOTION CARRIED.**

**Correspondence/Announcements:** Kidwell recognized both Niles Charter Township and Niles City Fire Departments for the cooperative efforts in the FOP fire last week.

**Supervisor Report:** Kidwell announced that SMCAS is exploring Milton Township becoming a member of SMCAS. Kidwell stated that he and Dunlap had inspected the Sucz property on Old 31 North and would be working with the owner. Kidwell presented certificates for file: Richard Low, Mark Grishaber, Jimmy Shoenthaler, and letter for Chief Brovold. Kidwell suggested that the old computer equipment stored in old fire department be included in the sale of old equipment. Ringler recommended the hard drives be check or destroyed before they are sold. Durm-Hiatt suggested that if they are not sold they could be E-cycled at the county.

**Comments from the Public:** Lt. Miller presented the police report.

**Unfinished Business:**

**Sidewalk Contract:** Dunlap requested a renewal of last year's contract with Brett Crouch Construction. Durm-Hiatt stated that the Clerk's office had received a bid request for concrete work in the township. Dunlap will send last year's bid packet to them. Sidewalk contract will be on April 2, 2012 meeting agenda.

**New Business:**

**Resolution 12-01 Trail Grant Application:** Marcy Colough from Southwest Michigan Planning Commission offered a power point presentation on the non motorized trail being proposed in the township. Colough has been working with the township Park Board on a grant application for the project. It is a two phase project Phase 1 runs from the IN/MI state line to Brandywine Nature Park, north of U.S. 12. Total cost of this phase is \$830,000.00 Niles Charter Township share is \$141,000. Harry Thibault, chairman of the park board, assured the township board that the park board is working on raising most, if not all, of the township match money through foundations and donations. Phase 2 will work in cooperation with the City of Niles to complete the connection to the city trail. Once completed the trail will be one of the first interstate trails and will be thirty-four (34) miles from City of Niles to Mishawaka IN. Following discussion Kuehn motion to approve Resolution 12-01 supporting the grant application, Noble supported.

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

NAYS: None.

**MOTION CARRIED.**

1730 South Third Street: Dunlap distributed a thirty-nine (39) page report on this property to the Board. The report contained previous resolved ordinance violations, photo of condition of the property and a court order demolition for the garage. The property owner was present and requested more time to comply. Following a lengthy discussion, Kidwell made a motion to revise the notice and order; Mrs. Guentert has until midnight March 31 2012 to remove the trailer from the property and until midnight April 30, 2012 to demolish the garage, clean and remove all blight, and fill in the abandon pool. Conover supported the motion.

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

NAYS: None.

**MOTION CARRIED.**

Cooperative Mutual Aid Fire Control Agreement: This is a renewal of an agreement between Niles Charter Township Fire Department and Michigan Department of Natural Resources.

Cooper motioned to approve the agreement, Noble supported.

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

NAYS: None.

**MOTION CARRIED**

Discussion of Fire Department Union Contract: Kidwell stated that due to injuries, surgeries, and vacations of firefighters there may be a need to use part-time personnel. Also testing for new hires in the future needs to be addressed. Kidwell will contact Marc Brandon, the local union president, to explore the possibility of opening the contract for discussion of these items.

Winter Tax 1017 Edwards: A 2010 violation assessment of \$350.00 from a previous owner was applied to 2011 tax bill, the new owners request a waiver of this delinquent assessment. Ringler explained that it can only be removed from the tax roll through the Board of Review process following township board action. Ringler motioned to waive the \$350.00 assessment and pass it onto the July Board of Review for correction. Noble supported.

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

NAYS: None.

**MOTION CARRIED**

Workmen Compensation: Firefighter, Bruce Vosburgh, inquired on the status of his workmen's compensation claim. Kidwell will follow-up on inquiry.

Liquor License and Pro Hac Vice: Durm-Hiatt stated that the township had received a liquor license application for New World Restaurant Inc located at 1962 South 11<sup>th</sup> Street, also a motion for admission of John A. Drake Pro Hac Vice, (temporary admission to appear before the Michigan Liquor Control Commission on behalf of the applicant). Durm-Hiatt stated that the applicant has complied with the township ordinance. Durm-Hiatt motioned to accept the application and approve the Pro Hac Vice motion, Nobles supported.

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

NAYS: None.

**MOTION CARRIED**

Berrien County BS&A tax software agreement: Board members have had the agreement to review. Ringler motioned to approve the agreement, Conover supported.

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

NAYS: None.

**MOTION CARRIED**

### **Comments from the Public:**

#### **Committee Reports:**

Conover: asked about property complaint on Parkview?

Durm-Hiatt: reported that the county clerks toured Berrien County record retention facility.

Ringler: None.

Kidwell: again commended the Township and City Fire Departments.

Kuehn: reported that the public facility committee had met and is reviewing options for Ewert property.

Noble: None

Cooper: reported that Dunlap is doing a time study and will have report soon.

Kuehn motioned to adjourn at 9:20 p.m. Conover supported the motion.

All voting in favor

**MOTION CARRIED.**

Respectfully submitted,

Marge Durm-Hiatt  
Clerk