

**NILES CHARTER TOWNSHIP
JULY 20, 2009
REGULAR MEETING**

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

Roll Call: Bailey, Cooper, Goodwin, Kidwell, Noble, Ringler. Board Member Absent: Durm-Hiatt. Others Present: Angie Cole, Deputy Clerk.

Agenda: Ringler motioned to approve the agenda, with the additions of E.C. Moore private road approval, closed session for discussion of fire contract negotiations after committee reports, and move new fire uniforms after closed session. Bailey supported the motion.
All voting in favor.

MOTION CARRIED.

Minutes: Ringer motioned to approve the minutes of the July 6, 2009, regular meeting. Noble supported.
All voting in favor.

MOTION CARRIED.

Correspondence and Announcements: Cole announced the auditor will be at the August 3, 2009 regular board meeting to present the 2008 audit and answer any questions. Also, Cole announced that the Buchanan City Police Department will be sponsoring their annual "National Night Out" from 6-9 p.m. on August 4, 2009.

Clerk's Report: General O&M \$259,995.60, Fire O&M \$29,659.61, Sewer O&M \$18,801.62, Water O&M \$2,127.37, Special Assessment \$2,605.69, Fire Capital Improvement \$389.75. **Grand Total \$313,579.64**
Cooper motioned to approve the clerk's report. Goodwin supported the motion.
ROLL CALL AYES: Bailey, Cooper, Goodwin, Kidwell, Noble, Ringler
NAYS: None.

MOTION CARRIED.

Comments from the Public: Sergeant Ganus presented to the board the Berrien County Sheriff Department's activity report for the month of May. Janice May previous owner of 2114 Kathryn questioned Trustee Goodwin as to what he was looking for when he was taking pictures of the inside of her house. Goodwin responded that the house appeared abandoned and he was investigating the blight at the home. May expressed her dissatisfaction. Sheriff Bailey advised Ms. May that his office investigated Trustee Goodwin's action and found that he was within his rights as an elected township official to follow up on a blight complaint and that nothing he did was illegal.

Unfinished Business:

Walnut Street: Kidwell reported that the road committee has come to the conclusion that a culvert would solve the drainage problems on Walnut Street. Kidwell advised that neither M-DOT nor the Berrien County Road Commission will install culverts any longer and that this should be tabled until the next meeting so that estimates from Kiell Excavating and Selge Construction are obtained.

New Business:

E.C. Moore- Private Road: Debra Hughes, engineer for Marbach, advised that all six conditions required from the Planning Commission have been met. Cooper questioned the performance bond guarantee. Craig Moore responded that he had escrowed with the title company and that should be sufficient due to this private road will never be township property. Ringler explained that the escrow company and the township attorney must agree to the terms of the escrow. Cooper motioned to accept the final approval based on acceptable terms of release of escrow between the escrow company and the township attorney and that no construction of the private road is to start until the escrow is worked out and the proper documentation is presented. Noble supported the motion.
ROLL CALL AYES: Goodwin, Kidwell, Noble, Ringler, Bailey, Cooper.
NAYS: None

MOTION CARRIED.

Code Enforcement Officer-Part Time: Kidwell recommended Jim Merriman to be the part time code enforcement officer at \$10.00 per inspection and \$15.00 per hour court time per quarter hour. Noble questioned if this position was circulated within the local newspaper. Kidwell advised that it was not necessary and compared it to the park summer help. Cooper questioned what vehicle was to be used. Kidwell advised that magnetic signs would be purchased and the old fire car would be used. Kidwell also advised that this was approved by risk management. Cooper motioned to hire Jim Merriman as the part time code enforcement officer at \$10.00 per inspection and \$15.00 per hour court time per quarter hour. Bailey supported the motion.

ROLL CALL AYES: Kidwell, Ringler, Bailey, Cooper, Goodwin

NAYS: Noble

MOTION CARRIED.

New Uniforms for Fire Department: Kidwell tabled the discussion until after closed session.

New Multi-Gas Detector: Chief Brovold requested approval to replace the Omni Multigas Detector with a new detector which will integrate with the county. Ringler motioned to purchase the new multigas detector in the amount of \$3,638.00. Cooper supported.

ROLL CALL AYES: Noble, Ringler, Bailey, Cooper, Goodwin, Kidwell

NAYS: None.

MOTION CARRIED.

Comments from the Public: Bailey expressed his support of Merriman as code enforcement officer. Olin Baldwin asked how or if the pay to the code enforcement officer is recouped. Ringler explained if the violation is complied to then nothing happens. If a violation is not complied with then a ticket is issued of which 75% is returned to the township if paid. If the ticket isn't paid then the amount is placed on the tax roll.

Committee Reports:

Bailey: None.

Goodwin: presented the SMCAS report.

Ringler: None.

Kidwell: presented certificates for Paul Rainwater and Ken Laurita.

Noble: advised received a road complaint and was working on it.

Cooper: None.

Closed Session: Ringler motioned to go into closed session to update the board on the fire contract negotiations. Bailey supported.

ROLL CALL AYES: Ringler, Bailey, Cooper, Goodwin, Kidwell, Noble.

NAYS: None.

MOTION CARRIED.

Reconvene Open Session: Goodwin motioned to reconvene open session, Cooper supported.

All voting in favor.

MOTION CARRIED.

New Uniforms for Fire Department: Cooper motioned to table the purchase of new uniforms for more information. Bailey supported and asked that a price for coveralls worn at station also be included in price.

All voting in favor.

MOTION CARRIED.

Kidwell advised that Bruce Vosburgh requested permission to sign a hold harmless for a Brandywine class he teaches as an individual of which he doesn't represent Niles Charter Township.

Bailey motioned to adjourn at 9:12 p.m. Goodwin supported the motion.

All voting in favor

MOTION CARRIED.

Respectfully submitted,

Angie Cole, Deputy Clerk