

**NILES CHARTER TOWNSHIP
MARCH 7, 2011
REGULAR MEETING**

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

Roll Call: Conover, Cooper, Durm-Hiatt, Kidwell, Kuehn, Noble, Ringler.
Also Present: Attorney Spiegel

Agenda Approval: Ringler motioned to accept the agenda with additions, at the request of Attorney Spiegel, a closed session, and appointment to the Park Board. Conover supported.

All voting in favor

MOTION CARRIED.

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

1. Expenditures and Transfers 03-07-2011:

General O & M \$32,333.57

Water O & M \$2,421.62

Fire O & M \$29,516.93

Sewer City Charge \$67,802.44

Sewer O & M \$12,969.19

Special Assessment \$3,510.37

GRAND TOTAL \$148,554.12

2. Minutes for February 22, 2011 regular meeting,

3. For file: February SMCAS minutes and February Building Safety, Enforcement and Fire reports.

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

NAYES: None.

MOTION CARRIED.

Correspondence/Announcements: Durm-Hiatt announced Berrien County Conservation District Spring Tree sale. Brochures and order forms are available on bulletin board.

Supervisor Report: Kidwell reported that the old DPW truck had been repaired and returned to service for Ordinance Enforcement. Kidwell presented certificates of completion of FEMA training for file: Matt Schultz, Jim Schoenthaler, Paul Wreggelsworth, Andrew Hartman, and Ryan Low.

Comments from the Public: H. Hoese commented on the press release Kidwell gave to the papers. Hoese suggested that Kidwells' actions warrant recall action.

Unfinished Business: None.

New Business:

Set IFT Public Hearing: At the request of Shelly Klug, director of Southwestern Michigan Economic Growth Alliance, A public hearing for an IFT request for Innovation Machining Corporation was set for March 21, 2011 at 7:05 pm.

Resolution 11-02 Critical Bridge Grant Application Support: Durm-Hiatt motioned to approve Resolution 11-02, supporting Berrien County Road Commissions' Grant Application for Federal and State funding assistance for Bridge No. 141002200 B01 on Ferndale Street. Motion supported by Noble.

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

NAYES: None.

MOTION CARRIED.

Data Processing Agreement with Berrien County: Ringler explained information in the agreement with Berrien County for data processing services for both summer and winter tax preparation. Ringler motioned to approve the agreement, Noble supported.

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

NAYES: None.

MOTION CARRIED.

Press Release: Conover and Noble expressed concern with information prepared and distributed by Kidwell in the form of a press release to local papers. The release contained information details that board members did not have knowledge of. Following discussion, Noble made a motion to direct the township attorney to prepare and publish a statement clarifying the press release, to include: the press release was not from the township board, the board did not sanction the press release, and that the alleged complaint was not seen or reviewed by the Niles Charter Board members. Conover supported the motion.

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

NAYES: None.

MOTION CARRIED.

Park Board Appointment: Kuehn reported that the Park Board had interviewed three individuals to fill the vacancy on the Park Board. They recommend Patricia Legatt for the position. Kuehn motioned to appoint Patricia Legatt to the Park Board, Cooper supported.

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

NAYES: None.

MOTION CARRIED.

Comments from the Public: None.

Committee Reports:

Conover: None.

Cooper: reported that the Planning Commission meeting for March 8, 2011 is cancelled.

Durm-Hiatt: reported that the Clerk's department had sent out over 700 applications for absentee voting.

Kuehn: welcomed Pat Legatt to the Park Board.

Ringler: reported on some of the advantages with the conversion to BS&A software by Berrien County.

Kidwell: None.

Noble: advised that he had been working on street lights, pot holes, and signs.

Closed Session: Attorney Spiegel suggested a closed session to discuss Section 5.9 of the employee manual, possible action would be taken upon return to open session. At 7:25 Durm-Hiatt motioned to go into closed session, Kuehn supported.

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

NAYES: None.

MOTION CARRIED.

Reconvene Open Session: At 8:15 Durm-Hiatt motioned to return to open session, Cooper supported.

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

NAYES: None.

MOTION CARRIED.

Attorney Report: Spiegel reported the findings of the internal investigation performed by independent counselor Kurt McCamman.

1. There was no violation
2. Does not apply to elected officials
3. Even if it did apply, Ringler's actions did not rise to the level of a violation.

McCamman did suggest that the Township put in place Administration/ Board policies to address issues in the future.

Ringler motioned that McCamman provide a summary report for the board. Conover supported.

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

NAYES: None.

MOTION CARRIED.

Cooper made a motion directing Attorney Spiegel to prepare Administration/Board policy and procedures. Kidwell supported.

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

NAYES: None.

MOTION CARRIED.

Kuehn motioned to adjourn at 8:20 p.m. Cooper supported the motion.

All voting in favor

MOTION CARRIED.

Respectfully submitted,

Marge Durm-Hiatt, Clerk