

**NILES CHARTER TOWNSHIP
MAY 2, 2011
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: Ringler motioned to accept the agenda. Durm-Hiatt asked that the April fire report be added to the consent agenda, Noble supported.
All voting in favor

MOTION CARRIED.

Consent Agenda: Ringler motioned to approve consent agenda, Conover supported.

Expenditures and Transfers 05-02-2011:

General O & M \$25,674.64

Water O & M \$2,542.82

Fire O & M \$26,784.77

Fire Capital Imp. \$267,386.85

Sewer O & M \$9,421.53

GRAND TOTAL \$331,810.61

1. Minutes for April 18, 2011 regular meeting,
2. 2011 meeting room agreements with Alzheimer Support Group, Girls Softball League, Christian Homeschoolers.
3. For file: April fire reports.
4. Revised election inspectors assignments.

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

NAYES: None.

MOTION CARRIED.

Correspondence/Announcements: Durm-Hiatt announced a public hearing for the revision and update to the Township Master Plan will be May 10, 2011 at 7:00 p.m.

Supervisor Report: Kidwell presented a request from Doug Myers, on behalf of the Burn Run, to use Niles Charter Township fire equipment and firefighters for a commercial for the Burn Run.

Kidwell motioned to allow the request, Noble supported.

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

NAYES: None.

MOTION CARRIED.

Kidwell presented certificates for file: Paul Wreggelsworth, Mark Grishaber, Gary Brovold, Eddie Alcalá, Aaron Floor, and Amy Bradley.

Kidwell announced that Brusky Construction, with the help of donations, would be working on Higgins Street.

Comments from the Public: John LaMore offered to get information for the board on the County Road Millage Resolution. R. Tibbs asked when and under whose authority was Higgins Street declared a private road? Several individuals commented on the ongoing township issues.

Unfinished Business:

Berrien County Road Millage Resolution: Kidwell motioned to table action on the Resolution, Conover supported.

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

NAYES: None.

MOTION CARRIED.

2011 Sidewalk Replacement Plan: Cooper motioned to approve the plan with the revisions presented by Dunlap, Kidwell supported the motion.

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

NAYES: None.

MOTION CARRIED.

New Business:

Resolution 11-04 National Bike to Work Week: Durm-Hiatt motioned to approve Resolution 11-04 designating May 16-20 2011 as "Bike to Work Week", Cooper supported.

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

NAYES: None.

MOTION CARRIED.

February 22, 2011 and March 7, 2011 Closed Sessions: Art Cotter, Berrien County Prosecutor, clarified his position on the legality of the two closed session in question. In a written communication to the Board and in person Cotter stated that there was no violation of the ACT and the meetings were both proper and legal. If the Board felt they wanted to confirm and amend the minutes to add clarity, they could do so.

Kidwell "I move to invalidate and re-enact the decision of the Board to go into close session on February 22, 2011 and to invalidate and reenact the decisions made at that close meeting" The motion died for lack of support.

Kidwell "I move to invalidate and reenact the decision of the Board to go into close session on March 7, 2011 and to invalidate and reenact the decisions made at the close meeting". The motion died for lack of support.

Following discussion, Kidwell asked to go on record," that the vote to amend the minutes was illegal".

Ringler, "I move to confirm the purpose of going into closed session on Feb 22 and March 7 and that we shall amend our minutes to reflect that we entered closed session for the purpose of discussion a complaint filed under Section 5.9 of our Personnel Policies and that I requested of our attorney that the discussion related to the matter be held in closed session as I was the subject of that complaint and closed session is permitted under MCL 15.268, Sec. 8 A." Noble supported the motion.

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

NAYES: Kidwell.

MOTION CARRIED.

Comments from the Public: K. Ray agreed that County Road Millage should stay in the township.

Committee Reports:

Conover: None.

Cooper: None

Durm-Hiatt: Announced school elections are tomorrow. Also, that we have applied for a grant for computers and scanners for elections.

Kuehn: None.

Ringler: None.

Kidwell: requested a copy of a letter from the Attorney General to Attorney Spiegel. Request denied.

Noble: advised that he was back and working on roads, drains, sidewalks and lights complaints.

Kuehn motioned to adjourn at 8:30 p.m. Conover supported the motion.

All voting in favor

MOTION CARRIED.

Respectfully submitted,

Marge Durm-Hiatt, Clerk