

**NILES CHARTER TOWNSHIP
APRIL 19, 2010
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: Bailey, Cooper, Durm-Hiatt, Goodwin, Kidwell, Noble, Ringler.

Approved Agenda

Ringler added DPW truck bids and authorization of environmental study on the new park property on Third Street. Durm-Hiatt motioned to approve agenda with additions, Noble supported.
All voting in favor

MOTION CARRIED.

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

1. Minute approval for April 5, 2010, regular meeting
2. Expenditures and Transfers:

General O&M \$47,971.84,	Fire O&M \$61,475.86	Sewer O & M \$18,377.01
Water O&M \$3,610.63	Fire Capital Imp. \$263,552.85	Sewer City Charge \$70,255.80
Special Assessment \$3,247.39		
GRAND TOTAL: \$ 468,491.38		
3. March Park board minutes.
4. Resolution for Charity Gaming License (Little Squirt).
5. Fire report for March.

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

MOTION CARRIED.

Correspondence/Announcements: Durm-Hiatt announced upcoming events throughout the Southwest Michigan Planning Area will be posted on the bulletin board.

Supervisor Report: Kidwell presented for file, the After Action report regarding the Ethanol Spill at the Niles Citgo terminal 2233 South Third Street, on March 4, 2010.

Comments from the Public: Officer Tolliver presented the police report, 80% of the tickets were issued under local ordinances. Sheriff Bailey presented written information that was requested concerning the third patrol car for the township. H. Hoese spoke to his concern for Trustee Bailey remaining on the board following his guilty plea for indecent exposure. T. Wetzel spoke in support of Trustee Bailey's character. G. Conover agreed with Hoese's concerns.

Unfinished Business: None.

New Business:

Disturbing the Peace/Noise Ordinance: Kidwell distributed copies of the ordinance to board members the previous week for review. Discussion, from the board: Cooper thought it included much more than just noise violations. Ringler questioned its ability to stand up in court, there seems to be gray areas? Durm-Hiatt questioned if it should fall under Municipal Civil Infractions? Kidwell, Sheriff Bailey and Officer Tolliver spoke to the concerns, expressing the importance of the ordinance and stated it was very similar to others that have been successfully enforced throughout the county and it should be a misdemeanor offense rather than a civil infraction.

Following discussion, Goodwin motioned to have the text of the Offenses Against Public Peace and Order Ordinance be considered for submittal, Bailey supported. Durm-Hiatt stated that, in order to save publishing cost she would be using the posting option. The entire text will be posted on the web-site, in the clerk's office and at the Niles District Library. Proper posting, the ordinance will be considered for adoption at the May 3, 2010 meeting.

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

MOTION CARRIED.

DPW Truck Purchase: G. Schrader had presented bids from Tyler Motors and Campbell Ford for the replacement vehicle for a pick-up and step van in DPW. The bids included plow package, and utility cap package. Durm-Hiatt motioned to accept the recommended low bid of \$39,216.00 from Campbell Ford. Cooper supported the motion.
ROLL CALL AYES: Bailey, Ringler, Cooper, Durm-Hiatt, Goodwin, Noble, Kidwell.
NAYES: None.

MOTION CARRIED.

Authorization for Environmental Study/Title Work: Ringler stated that the DNR office had contacted him about the DNR grant for the park property. Before the final closing, title work and a phase I environmental study must be completed. Ringler requested authorization to get bids for the environmental study and go forward with the lowest bid. Ringler motioned to authorize the environmental study and title work be done. Bailey supported.
ROLL CALL AYES: Cooper, Durm-Hiatt, Goodwin, Noble, Bailey, Ringler, Kidwell.
NAYES: None.

MOTION CARRIED.

Comments from the Public: None.

Committee Reports:

Bailey: None

Goodwin: SMCAS March report. He announced the annual picnic for SMCAS, June 27, 2010. It is the 35th anniversary.

Ringler: None.

Kidwell: None

Noble: None.

Cooper: reported that the planning committee is working on getting back-up attorney to handle planning issues and a back-up engineer in the event that the township engineer had a conflict. At the last planning commission meeting they took action on building height and P.U.D. clarification. It now has been passed unto the Berrien County Planning Commission for review then it will come back to the township board for final approval.

Durm-Hiatt: reported that the clerk department is busy with the upcoming elections with training and equipment checks. The absentee ballots for the May School Election will go out this week.

Park Board Liaison: Prior to adjournment, Durm-Hiatt motioned that Trustee Bailey is removed as the liaison to the township park board, Ringler supported.

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

NAYES: Bailey, Kidwell.

MOTION CARRIED.

Bailey motioned to adjourn at 7:40 p.m. Goodwin supported the motion.
All voting in favor

MOTION CARRIED.

Respectfully submitted,

Marge Durm-Hiatt, Clerk