

**NILES CHARTER TOWNSHIP
AUGUST 15, 2011
REGULAR MEETING**

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

Roll Call: Cooper, Kuehn, Kidwell, Noble, Ringler.
Board members absent: Conover, Durm-Hiatt
Others present: Angie Cole

Agenda Approval: Kidwell requested an addition of the park board minutes of July 11, 2011 to the consent agenda. Ringler motioned to accept the agenda with the addition to the consent agenda. Noble supported.
All voting in favor **MOTION CARRIED.**

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

Expenditures and Transfers 08-15-2011:

General O & M \$41,024.10	Water O & M \$2,794.89
Fire O & M \$25,972.30	Fire Capital Improvement \$800.00
Sewer O & M \$11,855.27	TOTAL \$82,446.56

Minutes for August 1, 2011, regular meeting

For file: SMCAS meeting minutes for July 21, 2011 and Park Commission meeting minutes of July 11, 2011.

ROLL CALL AYES: Cooper, Kuehn, Noble, Ringler, Kidwell.

NAYES: None.

MOTION CARRIED.

Correspondence/Announcements: Cole announced Household Hazardous Waste Collection is Wednesday, August 24, from 3:00 p.m. to 7:00 p.m. at Apple Valley Market parking lot in Berrien Springs across from the fair grounds.

Supervisor Report: Kidwell advised that at the court hearing with regard to the law suit between Shane Daniel and Niles Charter Township, Judge Dewane dismissed all violations except he did rule that there was a violation of the open meetings act. Kidwell advised that the township insurance will settle with Daniel.

Comments from the Public: J. Flock inquired who pays the electric bill at the landfill, due to a motor home at the landfill being plugged into electricity. Kidwell referred question to B. Weimer in audience. B. Weimer advised the motor home is used at the Red Bud Track and Trail. Kidwell recommended J. Flock go to the landfill meeting to seek his answer. Commissioner LaMore reported on our Fort St. Joseph open house of which drew a crowd of 1400 to 1600 persons. Commissioner LaMore, also, advised that the old Franky's building on Lake Street has been demolished recognizing Bill Weimer's roll in the accomplishment. Mike Kachur of Kachur Tree Service expressed his concerns of no sidewalks for students walking to and from school on S. 13th Street, he included a diagram to the board and public. He advised that S. 13th Street is high traffic and the children cross the road to school without going to the intersection. Kachur advised that he would be willing to donate his time and labor to remove the earth to have sidewalk constructed. Kidwell explained that funds are available for this through the metro funds and that this has been budgeted this year. Ringler advised that possibly Merritt Engineering should be hired to make sure we are within the standards and to obtain bids to have the sidewalk constructed. Kidwell advised that he has discussed with the Berrien County Road Commission the right of way issues of which should 3 to 4 feet back. Ringler reiterated that bids should be obtained. Cooper questioned handicapped area and Kidwell responded as long as ramps are not affected there is no problems. Sergeant Campbell of the Berrien County Sheriff Department presented the statistics of police activity for the month of June. Sergeant Campbell also announced that Deputy Edgerly has been transferred to south patrol and due to his transfer Deputy Higgs will be on the p.m. shift in the township and he is coming with 4 years of service with the Sheriff's Department. A resident expressed his concerns with drop off and pick up at Merritt Elementary School and that it is dangerous for children. Sergeant Campbell advised that he has talked with the school regarding this and expressed his concerns as well. He advised that this is private property and that there are no violations, which minimizes the Sheriff's Departments involvement and he advised the resident to address his concerns at school board meeting of which he would attend with him. Sheriff Paul Bailey advised that his office works closely with the Michigan State Police and advised the Bridgman Post of the State is closing and the Niles Post will be assuming 5-3 post. Sheriff Bailey advised that 27 posts are being closed over the State due to budget cuts. Senator John Proos presented an overview for the reasoning of the tax cuts and tightening the State's budget. JoAnn Flock questioned tax cuts on Michigan businesses to Senator Proos.

Unfinished Business:

Audit Proposal: Kidwell advised he has checked references of Gambridge and Company and he is satisfied with the bid of \$10,360.00 from them. Ringler expressed he had no argument regarding the bid, but due to the lack of urgency of ruling on the audit, that with two board members absent to wait until the next meeting. After discussion, Kuehn expressed that he had no problem voting on the audit proposal now. Cooper advised Joe Verlin of Gambridge, who was available for questions, that if he had known he would be present, he would have been better prepared with questions. Cooper asked how the firm could do an audit in 140 hours vs the 169 hours our present auditor has bid. Mr. Verlin advised the board that Gambridge specializes in audits for municipalities and is confident an audit can be completed within the time frame and he also, advised that there are no hidden costs in the bid, but if the township had federal expenditures additional fees would apply and he has been advised that this is not the case. Kidwell motioned to accept the low bid of \$10,360.00 from Gambridge and Company for the calendar year of 2011 to be conducted in 2012. Kuehn supported the motion.

ROLL CALL AYES: Kuehn, Noble, Ringler, Cooper, Kidwell

NAYS: None.

MOTION CARRIED.

Animal Control Ordinance: After discussion of the proposed Township ordinance vs. Berrien County Animal and Sheriff's ordinance currently in place, Kidwell tabled the ordinance until he is able to discuss with the township attorney. Val Grimes, Manager of Berrien County Animal Control Department, advised the board she had discussed the township ordinance with the township attorney and she had expressed many concerns with the ordinance. Val Grimes, also, advised that animal control is on-call 24/7 to work with local police agencies. Grimes also stated that Berrien County Animal Control is in the process of revising the County Animal Control Ordinance and would be more than willing to work together with the township to incorporate township concerns in the County ordinance.

New Business:

Resolution 11-07-Amendment of Retirement Age: After board discussion, Kidwell motioned to table the resolution until a later date for more information. Noble supported.

All voting in favor.

MOTION CARRIED.

Correction to Resolution 11-03-Innovation Machining IFT: Shelley Klug, with SMEGA, advised the board that the State is requiring a paragraph be added to the resolution. She read allowed the change. Cooper motioned to adopt the corrected version of the resolution as submitted, Noble supported.

ROLL CALL AYES: Noble, Ringler, Cooper, Kuehn, Kidwell

NAYS: None.

MOTION CARRIED.

Comments from the Public: None.

Committee Reports:

Conover: Absent

Cooper: None

Durm-Hiatt: Absent

Kuehn: None.

Ringler: None

Kidwell: None

Noble: reported on pot holes on Christiana Drive and Dusenbury. Noble also reported that he followed up on various street light complaints and found them to Niles City street lights and they are to repair them. LaMore advised there is a huge pot hole at 15th and Fort Streets.

Kuehn motioned to adjourn at 8:29 p.m., Noble supported the motion.

All voting in favor

MOTION CARRIED.

Respectfully submitted,

Angie Cole, Deputy Clerk