

Milton Township

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Official Minutes of the Milton Township Board Meeting Monday, March 15, 2010

The Milton Township Board meeting of Monday, March 15, 2010 was called to order at 7:00 PM with all board members present.

The Pledge of Allegiance was recited.

Approval of Agenda. Supervisor Benjamin added #7 Cass County Intergovernmental Forum and #8, Dell Server Warranty. #9, Treasurer DeBroka, "add my new account."

Approval of previous minutes, February 15, 2010, quotes need to be put on first page where it states that Trustee Ward stated "It's really hard to pick someone we've just met." Also quotes are needed on page two, third paragraph, last sentence "Maybe they'll have to come up with an interim administrator." On the third paragraph from the bottom, page 2, date 1020 needs to be corrected to 2010 and on page three, second to last sentence, there is a bracket, needs to be replaced with a period. Attachment #2 on the February 15, 2010 minutes does not have a date when the Attachment was written. Trustee Ward said the notes, [referred to as Attachment 2] were from information reported at March 16, 2009 and April 20, 2009 Milton Township Board meetings.

Trustee Ward motioned to accept minutes as amended, seconded by Treasurer DeBroka. All ayes, motion carried.

Supervisor Benjamin motioned to table approval of the February 25, 2010 minutes due to missing vote, seconded by Trustee Harvey, all ayes, motion carried.

Anyone wishing to speak to the board. Sue Ellen spoke her concerns regarding access to official and unofficial minutes that were approved on February 15, 2010 for February 8, 2010. She also stated concerns about a letter she read not being her opinions but were actual facts taken from township board minutes

Don Kronewitter, he questioned the fact concerning they have not received a written denial of their request of February 15, 2010. Attorney John Lorstorfer informed Don Kronewitter that it was in the minutes and the request to have the information was granted, there was no denial. Attorney Lohrstorfer stated "there was a motion made in the minutes regarding the appeal." Sue Ellen, "we specifically asked and if you guys are splitting hairs, we asked for something to be stated in the minutes that you guys spoke about it, and that you guys verified that Sharon had taken notes and that we would get a copy of the notes." Again, Attorney Lohrstorfer stated "a

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copy of the notes was made available and a motion was made on that.” [refer to the February 15, 2010 minutes]. Sue Ellen, “I guess we’ll have to ask for it again, cause we can’t find it.” “and that was supposed to be an attachment to the minutes.” Supervisor Benjamin, “Jackie verify with the secretary that there is an attachment to the minutes.” Attorney Lohrstorfer again stated “that was presented at the meeting in February.” Township Attorney Lohrstorfer again offered another copy.

Don Kronewitter stated, “looking through the records, there seems to be some discrepancies in the township pension plan, they’ve had as many as seven people on the plan at one time it appears.” “The plan itself says that there can never be more than five board members and the secretary.” Sue Ellen stated, “it needs to be looked into.” Supervisor Benjamin stated, “that Paul Sniadecki looked at this too, there is an issue with our plan stating that only board members and the secretary, elected officials.” “So anybody else would not be eligible.” Paul Sniadecki stated, “there was a resolution going back to 1992 that would include deputies.” “There was a newspaper article in 1992 and that included deputies.” “If the plan says differently, there is a current FOIA request in for that.” Paul Sniadecki stated, “We are not going to be able to solve this tonight. Supervisor Benjamin stated, “ let’s just make sure that whatever is set up, that it’s set up that way and find out what we need to do to fix it.”

Community Reports: Supervisor Benjamin stated, “ he would bring up to the ambulance board why the ambulance has not been here for three to four months.

Paul Boggs reported to the board that he was questioned as to why the surveying crews are working on US 12. The US 12 repaving project is in the engineering phase. The Right-of-way boundaries are being surveyed. At the NATS Transportation improvement program project, selection meeting February 24, 2010, the following projects impact Milton Township.

Fiscal 2010: Gumwood Road from the State line to Redfield Street to be resurfaced. Ironwood Road from Redfield Street to Bell Road, resurface. Bell Road from the Berrien/Cass County Line to US 12 – resurface.

Fiscal 2011: Redfield Street from the Berrien/Cass County Line to Ironwood Road – HMA overlay.

Fiscal 2014: Bertrand Street from Batchelor Road East .75 miles – resurface.

The NATS transportation survey is on their website, there are two forms of it, a synopsis and a full survey.

Inspectors: Supervisor Benjamin stated that he chatted with Dan Kulwicki on Saturday and he’s doing much better, looks better, so I wish him well. Johnny Hamilton, “not too much going on in Milton Township.”

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Zoning Administrator, Paul Sniadecki stated, "as Johnny indicated, zero site plan reviews, zero ZBA variances requested, zero permits issued for new or altered buildings. "However, there has been a lot of phone calls trying to do things; ranging from horses to creating vineyards and wineries in Milton Township, so it's been very interesting in the last 30 days." "I did do research over the past month to help with the building inspector registration and the deputy issue." "Did a lot of work with the PC, getting them ready for the Master Plan and we should be announcing very quickly the visioning day of the community input day for the Master Plan Process." "I did issue some follow-up letters on some zoning complaint issues and I did transition into the FOIA position without any cost to the township."

Supervisor Benjamin stated, "during the Board of Review, I did receive another mining complaint over in the Follmer section of town, that makes, I think, the eighth resident that has complained about the various properties." "What are we doing on the researching on that or what?" Paul Sniadecki stated, "there are two primary properties that are being dealt with." Paul Sniadecki stated, "the last contact I had was back in December, personally my last contact." "That initiated my actions in January to address those concerns with two property owners." "One property owner has clarified what they are doing and they also agreed to reroute their trucks in a different direction to take advantage of the roads on the east as opposed to coming to Beebe Road." "I've sent letters to another property owner and they have not responded yet and they have two letters now, so I think it's time for me to do a personal visit because they don't seem to be paying attention to the letters the township sent them." Supervisor Benjamin questioned, "if the properties had been identified that were causing whatever the complaints are?" Paul Sniadecki replied, "I guess I have."

Diane Shields, Chair, Planning Commission. Chair Shields informed the board of the public hearing regarding a proposed fence ordinance change, right before the scheduled meeting on April 5, 2010 at 6:15 PM. The Master Plan, we have a pretty good start on that. Mike Clark from Williams and Works was at our last meeting. Supervisor Benjamin asked, "could you let the secretary know of any special meetings or any public meetings so that she can get them upon on the calendar on the web. Chair Shields informed the board the public hearing was noticed. Trustee Ward stated that Jay Kilpatrick from Williams and Works is also going to write an article for our newsletter.

Commissioner Ziliak presented his detailed report; information is available on the Milton Township information table.

The report from the Insurance Risk Control was postponed for another month as Trustee Harvey is continuing to investigate the information he received.

Supervisor Benjamin told the board there is an error in the Assessor Contract, and he might sign it on Friday, as yet no confirmation.

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Paul Sniadecki, Zoning Administrator reported the Spring course has been postponed for the Certification Course which costs \$800.00, this will be discussed later.

New Business: The Mowing and Contract Bidding will be published in the South Bend Tribune and posted on the township website. The sealed bids are to be submitted to the Milton Township Clerk by April 5, 2010 at 4:00 PM. The township clerk and the township supervisor will open those submitted bids on April 5, 2010 at 4:00 PM and the public is invited to attend at the opening and then the Township Board will make the selection at a later date.

Supervisor Benjamin motioned to remove from our Zoning Ordinance Book: **Section 3.03 G. Commercial mining, gravel and sand pits** and **3.03 H. Concrete, ready mix, plants and asphalt batching plant meeting all state statutes**, and relettering the remaining Section of Section 3.03G. as per the Planning Commission recommendations:

I, J, K, L, M will now be lettered **G, H, I, J, K.**

Trustee Ward seconded. Roll Call Vote: Trustee Harvey, Yes; Trustee Ward, Yes; Supervisor Benjamin, Yes; Clerk Boggs, Yes and Treasurer DeBroka, Yes. Motion carried.

MILTON TOWNSHIP

CASS COUNTY, MICHIGAN

ORDINANCE NO. 2010-01

AMENDMENT TO THE MILTON TOWNSHIP ZONING ORDINANCE

Adopted March 15, 2010

Effective: April 8, 2010

An Ordinance to amend Section 3.03 Conditional Uses to the Milton Township Zoning Ordinance; to provide for an effective date of said ordinance and to repeal all provisions of ordinances in conflict therewith.

THE MILTON TOWNSHIP BOARD

CASS COUNTY, MICHIGAN

ORDAINS:

SECTION I

SECTION 3.03 CONDITIONAL USES

Section 3.03, Conditional Uses, of the Milton Township Zoning Ordinance is hereby amended by deleting subparagraphs (G) Commercial mining, gravel and sandpits and (H) Concrete, ready mix, plants and asphalts batching plant meeting all State statutes and the renumbering of the rest of the paragraphs to be (G) through (K). The new section will read as follows:

Section 3.03 Conditional Uses

- A. The sale and service of machinery used in agricultural production.
- B. Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
- C. The storage and sale of seed, feed, fertilizer, and other products essential to agricultural production.
- D. Facilities used to provide veterinarian services for livestock.
- E. Facilities used in the research and testing of agricultural products and techniques.
- F. Cemeteries.
- G. The following uses of land and structures may be permitted as conditional uses which require no new building construction and the exterior character of existing buildings will remain unchanged.
 - a. Antiques and gifts.
- H. Churches.
- I. Day Care, State Licensed.
- J. State Licensed Adult Foster Care.
- K. Wireless communication facility and support structure.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 110 of 2006. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MILTON TOWNSHIP
Jacqueline Boggs, Clerk
32097 Bertrand Street.
Niles, MI 49120-7649
(269) 684-7262

Paul Sniadecki discussed a sample FOIA ordinance. Supervisor Benjamin would like this as an item on Old Business next month.

Kestrel Hills Development: Paul Churches spoke for his father-in-law, Matt Rakowski requesting the renewal of the Plat for another two years.

Trustee Ward motioned to extend the Kestrel Hills Preliminary Plat for two years to May, 2012, seconded by Treasurer DeBroka. All ayes, motion carried.

Paul Boggs, Deputy Clerk met with TC Security concerning the township security due to a problem with the south door. Supervisor Benjamin recommended to ask Louis Mudd to fix the door and also the handicapped sign needs to get replaced at the correct height.

Ambulance, Fire Board Representative. Treasurer DeBroka motioned for Trustee Harvey to be the Ambulance and Fire Board Representative, seconded by Trustee Ward, all ayes. Motion carried.

Trustee Ward motioned to pay the \$60.00 for the Cass County Intergovernmental Forum, seconded by Clerk Boggs. Supervisor Benjamin question what account this money should come from and informed by Trustee Ward 101-101-802. All ayes, motion carried.

Dell Server: Trustee Ward motion to accept a two year contract for \$741.01, seconded by Treasurer DeBroka. Roll Call Vote: Trustee Ward, Yes; Supervisor Benjamin, Yes; Clerk Boggs, yes; Treasurer DeBroka, Yes; Trustee Harvey, Yes. Motion carries.

Supervisor Benjamin asked Clerk Boggs to inform Kerry of Quote Number: 532867193, two year contract with Milton address of 32097 Bertrand St, Niles, MI 49120.

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MILTON TOWNSHIP
32097 Bertrand Street
Niles, MI 49120

Robert W. Benjamin, Supervisor * Linda DeBroka, Treasurer * Jacqueline Boggs, Clerk *
Sharon Ward, Trustee * Robert Harvey, Trustee
Phone [269] 684-7262 FAX [269] 684-1742

RESOLUTION 2010-02
FUND TRANSFER RESOLUTION
Milton Township
32097 Bertrand Street
Niles, MI 49120

At a regular meeting of the Milton Township Board, Cass County, Michigan, held at the Township Hall of said County on the 15th day March 2010 at 7:00 o'clock PM, called to order by Supervisor Robert Benjamin, the following resolution was offered and adopted.

WHEREAS, the Milton Township Board agrees to follow Milton Township Resolution 2010-02 for Fund Transfer:

\$ 1,460.73	FROM:	101-265-931 Twp Hall-Mowing/Snow
\$ 233.62	TO:	101-101-726 Twp Bd – Office Expenses
\$ 578.09	TO:	101- 101-826 Twp Bd - Legal Fees Attny
\$ 176.52	TO:	101-171-817 Supervisor- Assessor
\$ 472.50	TO:	101-410-705.2 Zoning Administrator- Salary

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MOTIONED BY: Supervisor Benjamin

SUPPORTED BY: Treasurer DeBroka

Roll Call Vote: Supervisor Benamin, Yes; Clerk Boggs, Yes; Treasurer DeBroka, Yes; Trustee Harvey, Yes ; Trustee Ward, Yes. Motion passed 5-0.

Motion Carried.

Certification

I hereby certify that the foregoing is a true and accurate copy of a resolution agreement adopted by Milton Township at a meeting held on March 15, 2010 at the Milton Township Hall and that notice of said meeting was made and given in accordance with the provisions of the Michigan Open Meetings Act.

March 15, 2010

Jacqueline Boggs, Milton Township Clerk

Financial Report: General Fund: \$88,642.93, Teacher's Credit Union Index Money Market: \$7,498.10 and the CD interest rates are extremely low and Treasurer would like a Resolution to invest monies in the Greater Niles Federal Community Federal Credit Union.

**MILTON TOWNSHIP
32097 Bertrand Street
Niles, MI 49120**

**Robert W. Benjamin, Supervisor * Linda DeBroka, Treasurer * Jacqueline Boggs, Clerk *
Sharon Ward, Trustee * Robert Harvey, Trustee
Phone [269] 684-7262 FAX [269] 684-1742**

**RESOLUTION 2010-03
AUTHORIZE A FINANCIAL INSTITUTION
Milton Township
32097 Bertrand Street
Niles, MI 49120**

At a regular meeting of the Milton Township Board, Cass County, Michigan, held at the Township Hall of said County on the 15th day March 2010 at 7:00 o'clock PM, called to order by Supervisor Robert Benjamin, the following resolution was offered and adopted.

WHEREAS, the Milton Township Board agrees to follow Milton Township Resolution 2010-03 to Authorize a Financial Institution:

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To authorize the treasurer to use Greater Niles Community Federal Credit Union as an authorized bank, financial institution.

MOTIONED BY: Supervisor Benjamin

SUPPORTED BY: Trustee Harvey

Roll Call Vote: Clerk Boggs, Yes; Treasurer DeBroka, Yes; Trustee Harvey, Yes; Trustee Ward, Yes ; Supervisor Benjamin, Yes. Motion passed 5-0.

Motion Carried.

Certification

I hereby certify that the foregoing is a true and accurate copy of a resolution agreement adopted by Milton Township at a meeting held on March 15, 2010 at the Milton Township Hall and that notice of said meeting was made and given in accordance with the provisions of the Michigan Open Meetings Act.

Jacqueline Boggs, Milton Township Clerk

March 15, 2010

Treasurer DeBroka stated that there is no more tax collection for 2009 as she has settled with county.

Approval of Checks: Supervisor Benjamin instructed to pay Williams and Works check 6403 for \$2,052.45 and check 6404 for \$60.00 for Cass County Intergovernmental Forum.

Supervisor Benjamin motioned to pay checks 6357 to 6404 as presented and amended, Trustee Harvey seconded. Roll Call Vote: Treasurer DeBroka, Yes; Trustee Harvey, Yes; Trustee Ward, Yes, Supervisor Benjamin, Yes; Clerk Boggs, Yes. Motion carries.

Supervisor Benjamin questioned the \$20.00 FOIA charge when Clerk Boggs telephone Mr. Hambley concerning information on the Milton Township's Pension Program.

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Supervisor Benjamin informed the board there seems to be some discrepancies with mail delivery with certified letter certificates needing to be returned to Niles Post Office and this particular letter was a certified letter concerning a resident's Board of Review appeal.

Clerk Boggs is to call again to arrange for the pick-up of the Pitney Bowes machine.

Supervisor Benjamin stated that the budget will either be on the web or will be shortly and a copy is also available with the secretary.

Trustee Harvey motioned to adjourn meeting at 8:21 PM, seconded by Treasurer DeBroka, all ayes, motion carried.

Respectfully submitted,

Jacqueline Boggs, Milton Township Clerk