

**Bertrand Charter Township Board  
Regular Meeting  
Thursday, October 13, 2022**

Bertrand Charter Township Hall  
3835 Buffalo Rd., Buchanan, MI 49107

Supervisor Hicks called the meeting to order at 7:06 p.m. and led the Pledge of Allegiance.

Members Present: Hicks, Kuhn, Payton, Vite, Zelmer

Member Absent: None

Special Guests: Township Attorney Sara Senica; Resident Jack Lucker via telephone

**Consent Agenda** *(see attachments)*

**Motion** made by Zelmer, seconded by Payton to approve the Consent Agenda as amended:

- Add New Business Item #11 Square9 Digitizing Software Migration to Windows Server
- Township Board Special Meeting Minutes from September 20, 2022
- Accounts Payable for the period 09/09/22-10/13/22:

Total General Fund Expenses	\$42,004.66
Total Fire Dept. Fund Expenses	\$19,814.91
Total WRT Fund Expenses	\$73.59
<b>Total Expenses</b>	<b>\$61,893.16</b>

- Treasurer's Report as of September 30, 2022

General Fund	\$1,837,024.57
Total Fire Dept. Fund	\$546,500.02
Total WRT Fund	\$1,916.62
Total Municipal Building Fund	\$55,107.22
Total Property Tax Fund	\$59,201.46
<b>Total Fund Current Assets</b>	<b>\$2,499,749.89</b>

Roll call vote: **Motion carried unanimously**

{Resident Jack Lucker was on the speaker phone from Wisconsin and was given the floor to appeal the Condemnation Letter he received from the Township Building Inspector Todd Herter for a home he owns at 5955 Depot St. Mr. Herter deemed it unsalvageable. He spoke for approximately 6 minutes pleading with the board to allow him to repair it instead of demolish it.}

**Reports**

Sheriff's Department *(on file)*

Fire Department *(on file)*

Chief Knisely submitted the October 2022, monthly Fire Department report and gave a verbal report.

SMCAS *(on file)*

Matt Remmo submitted his report and gave a verbal report.

SE Berrien County Landfill (on file)

Trustee Zelmer and Treasurer Kuhn gave a verbal report.

Planning Commission

Treasurer Kuhn gave a verbal report.

NATS

Trustee Payton gave a verbal report.

**Unfinished Business**

None.

**New Business**

1. Condemnation Appeal of 5955 Depot St. (see above insert re: Mr. Lucker's phone call)
2. Action on 5955 Depot St.

**Motion** made by Hicks seconded by Kuhn to reject Mr. Lucker's appeal and accept Building Inspector Herter's recommendation to demolish the home at 5955 Depot St. per his letter to Mr. Lucker dated September 19, 2022.

**Discussion:** The board viewed pictures taken of the home's interior and exterior and agreed with Mr. Herter's assessment that with the extensive and thorough nature of the home's deterioration the home should be demolished.

Roll Call Vote: **Motion passed unanimously**

3. BTFD Candidate Hire

**Motion** made by Vite, seconded by Zelmer to approve Chief Knisely's recommendation to hire Ty Scurlock as a Candidate to the Fire Department.

**Discussion:** Ty is currently enrolled in FFI & FFII training in Benton Harbor which is an accelerated course Chief Knisely enthusiastically endorses.

Roll Call Vote: **Motion carried unanimously**

4. Board Desk Modification

**Discussion:** Supervisor Hicks received one proposal for \$3,675.00 to extend the existing board desk six feet to accommodate the two new trustees. The work would be performed by Relik in Buchanan the desk would be removed from the township hall, modified to make the work look seamless, and reinstalled.

No board member made a motion. No action taken.

5. 1% IFT Resolution

**Motion** made by Vite, seconded by Payton to adopt Resolution 2022-1013A "To Add a 1% Administration Fee to the Industrial Facility Tax Roll Under MCL 207.561(11)(1), Public Act 198 of 1974".

**Discussion:** Treasurer Kuhn said this fee will help offset the expense of processing properties with IFTs and will bring roughly \$1,000 to the General Fund each year.

Roll Call Vote: **Motion carried unanimously**

6. Saratore Heat Treat Plan

**Discussion:** Dan Yerks, Civil Engineer from Wightman Associates, presented to the board the proposal from Saratore's engineers for their water mains going to their new facility. Mr. Yerks also gave the board his professional opinion on their location on how he would like to respond on behalf of the township.

There is board consensus to direct Dan Yerks to speak on behalf of the board and give his professional advice to Saratore's Heat Treat Designer Ashley Ziebell as well as the City of Niles Water Dept. engineers.

7. Planning Commission Ordinances to Adopt: Hotel/Motel, Keeping of Animals, Kennels, and Storage Containers

**Discussion:** Treasurer Kuhn gave a brief synopsis of the changes in lieu of Planning Commission Chairman Mark Wagner who was unable to present.

**Motion** made by Vite, seconded by Payton to adopt Ordinance #221013A "An Ordinance to Amend Section 2.09 and Section 11.04 of the Bertrand Township Zoning Ordinance to Further Regulate Hotels and Motels"

Roll Call Vote: **Motion carried unanimously**

**Motion** made by Vite, seconded by Payton to adopt Ordinance #221013B "An Ordinance to Amend Section 3.22 of the Bertrand Township Zoning Ordinance" re: Keeping of Animals

Roll Call Vote: **Motion carried unanimously**

**Motion** made by Vite, seconded by Payton to adopt Ordinance #221013C "An Ordinance to Amend Section 2.12, Definitions, and Section 11.04, Special Land Use Specific Requirement, of the Bertrand Township Zoning Ordinance" re: Kennels

Roll Call Vote: **Motion carried unanimously**

**Motion** made by Vite, seconded by Hicks to adopt Ordinance #221013D "An Ordinance to Amend Section 2.17 and Chapter 3 of the Bertrand Township Zoning Ordinance to Authorize and Regulate Temporary and Permanent Storage Containers as Accessory Buildings and Uses"

**Discussion:** Reservation was expressed by multiple trustees about the issue of existing containers and there not being a "Grandfather clause". Also, definitions such as "Permanent Foundation" and "Site Plan" seemed too vague. Minimum acreage was also another point of discussion.

Roll Call Vote: **Ayes:** Kuhn, Vite    **Nays:** Hicks, Payton, Zelmer

**FAILED: 3-2**

**Motion** made by Hicks, seconded by Payton to return the above ordinance #221013D back to the Planning Commission with recommended changes – eg, strike A4 and E2, and clarify “Permanent Foundation” and “Site Plan”

**Discussion:** Attorney Senica instructed the board on various options the board had for dealing with this Ordinance, making changes, amendments, etc.

Roll Call Vote: **Ayes:** Payton, Hicks **Nayes:** Kuhn, Vite, Zelmer **FAILED: 3-2**

8. Industrial Park Lighting District SAD Feasibility Study

**Motion** made by Hicks, seconded by Vite to adopt Resolution 221013B – To direct the township engineering firm Wightman to conduct a feasibility study on the scope and costs for creating a Special Assessment District for lighting for the Industrial Park.

**Discussion:** This first step is necessary to determine if the township proceeds with all the state requirements of hearings, notices, etc. for a Special Assessment District for lighting for the Industrial Park.

Roll Call Vote: **Motion carried unanimously**

9. Ordinance to Regulate Water-Resolution

**Motion** made by Zelmer, seconded by Vite to adopt Ordinance 221013E – “An Ordinance to Regulate Water Service From Niles City and Cross Connections in Bertrand Charter Township”.

**Discussion:** This ordinance was provided by the City of Niles with identical wording to theirs and is a requirement of the by-laws and was never passed in Bertrand Township.

Roll Call Vote: **Motion carried unanimously**

10. Ordinance to Regulate Sewer-Resolution

**Motion** made by Vite, seconded by Zelmer to adopt Ordinance 221013F – “An Ordinance to Regulate Sewer Service From Niles City and Cross Connections in Bertrand Charter Township”.

**Discussion:** This ordinance was provided by the City of Niles with identical wording to theirs and is a requirement of the by-laws and was never passed in Bertrand Township.

Roll Call Vote: **Motion carried unanimously**

11. Square9 Digital Office Software Migration to Windows Server

**Motion** made by Vite, seconded by Payton to accept US Business System’s proposal for \$2,600 to migrate the Square9 software to the Windows Server which will include upgrading to the current version.

Roll Call Vote: **Motion carried unanimously**

**Public Comments**

None

**Board Member Comments**

Discussion amongst the board re: Broadband and next steps for looking into grants.  
Consensus that Supervisor Hicks will reach out to Commissioner Jim Curran and invite him to a future board meeting to brief the board on next steps.

Clerk Vite has issued about 420 absentee voter ballots.

**Communications**

Supervisor Hicks read the memo from the Berren County Parks Dept regarding a Scrap Tire Collection on Saturday, 10/22 and Sunday, 10/23 at the Berrien County Road Dept, 2860 E Napier Ave, Benton Harbor. More information will be posted on our website.

**Miscellaneous / Announcements / Schedule**

- The next township board meeting will be Thursday, November 10, at 7:00 p.m.

Having no further business, the meeting was adjourned at 10:19 p.m.

Respectfully submitted,



October 14, 2022

Don Vite

Date

Bertrand Charter Township Clerk



**BERTRAND CHARTER TOWNSHIP**

**BERRIEN COUNTY**

**STATE OF MICHIGAN**

**RESOLUTION NO. 2022-1013A**

**A RESOLUTION OF THE BERTRAND CHARTER TOWNSHIP BOARD TO ADD A 1% ADMINISTRATION FEE TO THE INDUSTRIAL FACILITY TAX ROLL UNDER MCL 207.561(11)(1), PUBLIC ACT 198 of 1974.**

At a regular meeting of the Bertrand Charter Township Board held at the Township Hall, 3835 Buffalo Road, Buchanan, MI 49107, on the 13<sup>th</sup> day of October, 2022, at 7:00 p.m. EST.

PRESENT: Hicks, Kuhn, Payton, Vite, Zelmer

ABSENT: None

The following preamble and resolution was offered by Trustee Vite and supported by Trustee Payton :

WHEREAS, Bertrand Charter Township ("Township") has previously approved an Industrial Development District ("IDD") in the Township, and

WHEREAS, there are owners of industrial facilities within the IDD which have been granted an Industrial Facilities Exemption under Public Act 198 of 1974 (the "Act"), and

WHEREAS, when an Industrial Facilities Exemption is granted for an industrial facility in the Township under the Act, the Township may resolve to collect a one percent (1%) administrative fee on the Industrial Facilities Tax Roll, calculated in the same manner and at the same rate that the Township imposes on ad valorem taxes collected under the General Property Tax Act, 1893 PA 206, MCL 211.1 to 211.155, under Section 11(1) of the Act, being MCL 207.561(11), and

WHEREAS, the Township hereby resolves to collect a one percent (1%) administrative fee on the Industrial Facilities Tax Roll.

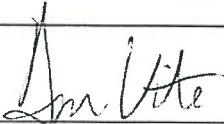
**NOW THEREFORE IT IS RESOLVED:**

Bertrand Charter Township hereby resolves to collect a one percent (1%) Administrative Fee on the Industrial Facilities Tax Roll pursuant to MCL 207.561(11)(1), and the Assessor of the Township is hereby directed to assess such fee as directed by the Township Board.

Ayes: Hicks, Kuhn, Payton, Vite, Zelmer

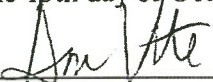
Nays: None

**RESOLUTION DECLARED ADOPTED.**

  
\_\_\_\_\_  
DON VITE, Township Clerk

**CERTIFICATION**

I, DON VITE, duly elected Clerk in and for the Charter Township of Bertrand, Berrien County, Michigan, do certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the Township Board during its Regular Meeting, held on the 13<sup>th</sup> day of October, 2022.

  
\_\_\_\_\_  
DON VITE, Township Clerk



**BERTRAND CHARTER TOWNSHIP**  
**COUNTY OF BERRIEN - STATE OF MICHIGAN**

**RESOLUTION NO. 2022-1013B**

At a Meeting of the Bertrand Charter Township Board, held in the Township Hall, 3835 Buffalo Road, Buchanan, MI 49107, on the 13th day of October, A.D., 2022, at 7:00 p.m., Eastern Standard time.

The following preamble and resolution were offered by Trustee Hicks and supported by Trustee Vite.

**NOW THEREFORE THE BERTRAND CHARTER TOWNSHIP BOARD RESOLVES AS FOLLOWS:**

WHEREAS, several Township citizens have commented on the lack of street lights in the Township's Industrial area and have recommended that lights be installed in the Township's Industrial area, near U.S. 12 and Mayflower Road, and

WHEREAS, the Township Board wants to explore the possibility of installing street lights through a Special Assessment District in the Township's Industrial area, but currently the Township has no information on which to base such a decision, and

WHEREAS, the Township Board hereby resolves to direct the Township Engineer to begin collecting information and to prepare a preliminary report for the Township Board to review, which report shall include an explanation and description of the scope of work for a Special Assessment District in the Industrial area, the proposed limits of the District as recommended by the Engineer, an estimate of the costs, and the properties involved, and to prepare such information for distribution to the Township Clerk, and

WHEREAS, upon receipt of the preliminary report, the Township Clerk shall distribute such information to the Township Board, and shall set a public hearing at a future Township Board Meeting to determine the initial feasibility of establishing a Special Assessment District in the Industrial are of the Township, and

WHEREAS, the Township Clerk shall make such report available to the public upon receipt.

**NOW THEREFORE, BE IT RESOLVED THAT:**

1. The Township Engineer is directed to begin collecting information and to prepare a preliminary report for the Township Board to review, which report shall include an explanation and description of the scope of work for a proposed Special Assessment District for lighting in the Industrial area near U.S. 12 and Mayflower Road, the proposed limits of the District as recommended by the Engineer, an estimate of the

costs, and the properties involved, and to prepare such information for distribution to the Township Clerk, and

2. The Township Clerk shall make such report available to the public and to the Township Board upon receipt, and the Township Clerk shall set a future public hearing at a regular Township Board Meeting to determine the initial feasibility of establishing a Special Assessment District in the Industrial area of the Township, with mailed notice to all properties in the proposed district, and a published notice in the Berrien County Record.

AYES: Hicks, Kuhn, Payton, Vite, Zelmer

NAYS: None

RESOLUTION DECLARED ADOPTED.

Date: October 13, 2022



DON VITE, Township Clerk

CERTIFICATION

I, DON VITE, duly elected Clerk in and for Bertrand Charter Township, Berrien County, Michigan, do certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the Township Board during its Regular Meeting, held on the 13th day of October, 2022, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended.



DON VITE, Township Clerk