

Newberry Village Council
Regular Meeting Minutes
March 16, 2021 – 6:00 p.m.
Electronic Public Meeting – Due to COVID-19 Virus

****NOTE – All votes were done by Roll Call Vote**

Present: President Freese, Trustees: Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes. All Board members identified as calling in remotely via ZOOM from Newberry, MI.

Absent: None.

Also Present: Village Manager/Director of Human Resources & Community Engagement – Watkins, Clerk – Schummer, Village Attorneys - Greg Grant and Jeff Jocks, Newberry News - Sterling McGinn.

Call to Order: President Freese called the meeting to order at 6:04 p.m. via Zoom.

Approval of Agenda: Moved by Stokes, support by Cameron, **CARRIED**, to approved the agenda as presented. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes.

Minutes: Moved by Hendrickson, support by Puckett, **CARRIED**, to approve the minutes from the February 16, 2021, Regular Village Council Electronic Session as written. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes. Moved by Stokes, support by Hendrickson, **CARRIED**, to approve the minutes from the March 2, 2021 Special Electronic Session as written. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes.

Public Comments on Agenda Items: None.

Special Topics:

- A.) **Employee Arbitration:** Moved by Freese, support by Puckett, **CARRIED**, that the Council enter into closed session to discuss with the Village’s attorneys trial and/or settlement strategy in the pending matter involving the arbitration demand of Jennifer James-Mesloh, pursuant to MCL 15.268(e) as a discussion on the open record would be detrimental to our position, and also to discuss material exempt from disclosure under the attorney-client privilege, MCL 15.243(1)(g) and MCL 15.268(h). Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes.

Council enters into Closed Session at 6:10 p.m.

Moved by Freese, support by Cameron, **CARRIED**, to exit closed session wherein we discussed with the Village’s attorneys trial and/or settlement strategy in the pending matter involving the arbitration demand of Jennifer James-Mesloh, pursuant to MCL 15.268(e) as a discussion on the open record would have been detrimental to our position, and also discussed material exempt from disclosure under the attorney-client privilege, MCL 15.243(1)(g) and MCL 15.268(h). Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes.

Council exits Closed Session at 7:10 p.m.

Moved by Freese, support by Schummer, **CARRIED**, to accept the advice of counsel and authorize our attorneys to present the settlement terms as discussed in closed session. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes.

Village President’s Announcements: None

Submission of Bills and Financial Updates:

- A.) Village of Newberry monthly Bills: Moved by Puckett, support by Hardenbrook, **CARRIED**, to approve payment of the February 13 – March 12, 2021 bills, in the amount of \$157,635.04. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes.
- B.) Water & Light monthly bills: Moved by Puckett, support by Hardenbrook, **CARRIED**, to pay the Electric and Water Fund bills for February 6 – March 5, 2021, with a total amount of \$100,430.58. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes.
- C.) Bond payment paid out March 1 as electronic deductions: Moved by Freese, support by Stokes, **CARRIED**, to make the 2005 and 2009 water bond interest payments for a total of \$43,869.35. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes.
- D.) Request for Disbursement of Funds:
Stormwater/Asset Management/Wastewater (SAW) Grant Program, pay when paid: Moved by Hendrickson, support by Hardenbrook, **CARRIED**, to pay Request #30 – 01-01-21 to 02-28-21
 - 1.) C2AE invoice #71110 for \$22,451.60
 - 2.) Sehi Computer invoice #Q00125818 for \$2,870.83for a total of \$25,322.43. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes.
- E.) Request for Payment – McGahey: Moved by Freese, support by Stokes, **CARRIED**, to pay McGahey Construction LLC, no more than \$26,604.00 for invoice dated Feb. 26, 2021. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes.
- F.) Christmas Lights Fund – as of 2/2/21 - \$15,394.16
- G.) Treasurer’s Report:
 - a.) February 2021 – N. Moulton submitted a written report. Council accepted the report as presented.

Petitions and Communications:

- a.) Resignation from Water & Light Board – Mike Schnorr. Reviewed.
- b.) Reimbursement request for sewage cleanup – Coldwell Banker - \$10,620.15. Moved by Puckett, support by Freese, **CARRIED**, to table the issue of reimbursement until more information is gathered. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes.

Introduction and Adoption of Ordinances and Resolutions: None.

Unfinished Business:

- 1.) 2019 Audit: Watkins gave an update.
- 2.) 2020 Audit Update: Request for proposal to do 2020 audit is posted in local media, newspapers and online. Proposals are due by April 9, 2021 at 4:00 p.m.
- 3.) Water Rate Changes:
 - a.) Water Bond payments due in 2021 – review.
 - b.) Water Bond required reserve and set aside of funds – review.
- 4.) Generator Update: Watkins gave the update. She advised Fairbanks came and did an evaluation of the engine block and determined the engine block was damaged. We are waiting for the official report.
- 5.) Demolition of remaining 41 Lumber Structure: The insurance company stated the remaining structure cannot be saved and must be removed. Moved by Puckett, support by Hardenbrook, **CARRIED**, that the Village put out a request for proposals and qualifications for the removal of the rest of the 41 Lumber building. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes.
- 6.) Public Comment Follow-Up from Previous Meeting: None needed.

New Business:

- 1.) Water & Light Board – Vacancy notification: Moved by Freese, support by Hardenbrook, **CARRIED**, to declare that we have a vacancy on the Water & Light Board and authorize the Village Manager to make the necessary announcements. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes.

Reports of Boards:

- 1.) Water & Light Board: Regular electronic meeting minutes for March 9, 2021, were inadvertently omitted from the packet, they will be included in the April packet.
- 2.) Planning Commission Meeting: Feb. 22, 2021 – cancelled.

Committee Reports:

- 1.) Ordinance Committee: March 5, 2021 meeting minutes provided.
- 2.) Management Committee – March 11, 2021 meeting minutes provided. Moved by Freese, support by Hendrickson, **CARRIED**, to direct the Ordinance Committee to begin drafting of a Council attendance ordinance. Discussion followed. Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes.

Reports of Village Officers & Management:

- A.) Fire Chief: Written report submitted by Fire Chief Wendt.
- B.) Superintendent of Wastewater Treatment Plant & DPW: Written report submitted by Superintendent Blakely.
- C.) Working Superintendent of Water & Light: Written report submitted by Working Superintendent Kucinkas.
- D.) Village Manager: Watkins gave a verbal as well as written report.

Public Comment: None

Comments by Council Members: Comment heard from Hendrickson, Stokes, Puckett, Freese.

Adjourn Meeting: Moved by Hardenbrook, support by Puckett, **CARRIED**, to adjourn the meeting at 8:49 p.m. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Schummer, Stokes.

These minutes are unofficial until voted on at the next meeting.

Terese Schummer, Clerk

Catherine Freese, Village President