

Newberry Village Council
Regular Meeting Minutes
May 18, 2021 – 6:00 p.m.
In person and Electronic Public Meeting

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

Present: President Freese, Trustees: Cameron, Hardenbrook, Hendrickson, Schummer, Stokes.

Absent: Puckett.

Also Present: Village Manager – Watkins, Treasurer N. Moulton, Superintendent of WWTP & DPW – Blakely, Clerk – Schummer, Newberry News - Sterling McGinn, Scott Ouellette - all in person. Robert Lieberman - via ZOOM.

Call to Order: President Freese called the meeting to order at 6:08 p.m. at the Village Garage, 810 Charles Road, Newberry, MI, and via Zoom.

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

Minutes: Moved by Hendrickson, support by Hardenbrook, **CARRIED**, to approve the minutes from the April 20, 2021, Regular and Electronic Session, as written. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.

Public Comments on Agenda Items: None.

Village President’s Announcements: None.

Submission of Bills and Financial Updates:

- A.) **Village of Newberry monthly Bills:** Moved by Hardenbrook, support by Stokes, **CARRIED**, to approve payment of the April 16 – May 14, 2021 bills, in the amount of \$35,276.47. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.
- B.) **Water & Light monthly bills:** Moved by Cameron, support by Hardenbrook, **CARRIED**, to pay the Electric and Water Fund bills for April 10 – May 7, 2021, with a total amount of \$40,269.00 Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.
- C.) **Consumers Energy Purchased Power Invoice Approval:** Moved by Freese, support by Stokes, **CARRIED**, to pay CMS Energy, invoice #10423, dated May 10, 2021, in the amount of \$59,697.52, as recommended by the Water & Light Board. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.
- D.) **Christmas Lights Fund** – as of 4/30/21 - \$16,482.23.
- E.) **Treasurer’s Report:**
 - a.) April 2021 – N. Moulton submitted a written report. Council accepted the report as presented.

Petitions and Communications:

- a.) Request for use of Village Park by outside entity – COVID Night of Hope. Moved by Stokes, support by Freese, **CARRIED**, to refer this request to the Infrastructure Committee to first create guidance on cost and policy for park use by outside entities. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.
- b.) Tahquamenon Area Credit Union letter regarding pay station status: In a letter dated April 12, 2021, TACU advised the Village, TACU would no longer be a pay station for Village

utility payments. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.

c.) FOIA Request 2021-03-AH Atlas ATC: Watson gave an explanation of the request.

Special Topic:

- A.) **Employee Arbitration Settlement:** Moved by Freese, support by Stokes, **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(l)(g) and MCL 15.268(h). Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.

Council enters into Closed Session at 6:33 p.m.

Moved by Freese, support by Stokes, **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(l)(g) and MCL 15.268(h). Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.

Council exits Closed Session at 7:36 p.m.

Council Action: Moved by Freese, support by Hendrickson, **CARRIED**, to approve the settlement agreement as presented in Closed Session. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.

Introduction and Adoption of Ordinances and Resolutions:

- 1.) Ordinance 54 – Fireworks:
i. Ordinance Committee recommends adoption. Moved by Hendrickson, support by Stokes, **CARRIED**, to adopt Ordinance 54 as introduced to the Council. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.

Unfinished Business:

- 1.) **2019 Audit:** Watkins gave an update. She advised it is almost finished they are just reviewing the language.
2.) **2020 Audit Update:** Watkins gave the update.
3.) **Water Rate Changes:**
a.) Water Rate Study update: Watkins gave an update.
4.) **MI Clean Water DWAM Grant Application Update:** Watkins advised that the Village will not get the grant due to our water system being in better condition than most communities.
5.) **Generator Update:** Watkins gave an update.
6.) **Establishing a process for reporting and reimbursement of claims requests:**
a.) Claims reviewed in March & April regarding sewer issues
i. Submit directly to insurance for official determination: Moved by Freese, support by Hendrickson, **CARRIED**, to submit the three current claims directly to the Village insurance company, MMRMA, for an official determination. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.
b.) Future claims for payment for any reported incidents/accidents/injury
i. Request to perform Work Form – for review.

- ii. Incident/Damage/Injury Report – for review.
 - iii. Submit directly to insurance for official determination: Moved by Freese, support by Hendrickson, **CARRIED**, to approve submitting future claims to the Village insurance company, MMRMA, for a determination. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer Stokes. Absent: Puckett.
- 7.) Capital Improvement Plan Draft: Continued review.
 - 8.) Water & Light Board Vacancy: Still need to fill the vacancy.
 - 9.) Public Comment Follow-Up from previous meeting: None needed.

New Business:

- 1.) Deliberation on Public Comment During Public Hearing: None needed.
- 2.) Approval of 2021 Tax Rates, Fees, Penalties, Dates – L4029 Form.
 - a.) Tax Roll Authorization: Moved by Freese, support by Hardenbrook, **CARRIED**, the Village Council authorizes the Village Treasurer to spread the 2021 Tax Roll based on the Taxable Value of \$17,241,693.00 as determined by the McMillan Township Assessor. Such tax to be levied with 11.2262 mills for general operation purposes and 4.4903 mills for streets and alleys and 1.3928 mills for trash (disposal/collection) and 1.9914 mills for residential fire protection for a total millage of 19.1007. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.
 - b.) Tax Roll Fees, Penalties, and Dates: Moved by Freese, support by Hardenbrook, **CARRIED**, The Village Council authorizes collection of taxes for 2021 beginning July 1, 2021 and continuing through February 28, 2022. The Village Council authorizes the addition of a 1% administrative fee (\$1.00 Minimum) due July 1, 2021. After September 14, 2021, the Village Council authorizes the addition of a 1% administrative fee (\$1.00 Minimum) and 3% penalty (\$2.00 Minimum), plus 1% interest per month to the Village Treasurer until tax is paid. Ayes: Freese, Cameron, Hardenbrook, Schummer, Stokes. Absent: Puckett.
- 3.) Purchase of Dura Patch Tar & Chip Machine & required infrastructure and operating supplies: Superintendent of the WWTP & DPW, Blakely, discussed the need and answered questions regarding the purchase of the machine. Moved by Freese, support by Schummer, **CARRIED**, to authorize the purchase of the Dura Patch Tar & Chip machine and required infrastructure and operating supplies. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.
- 4.) UPEA Engineers: Moved by Freese, support by Schummer, **CARRIED**, to schedule a joint work session with the Village Council and the Water & Light Board for a presentation by UPEA Engineering, regarding the next steps that could/should be taken regarding lead and copper lines. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.
- 5.) December Council Meeting: Moved by Freese, support by Stokes, **CARRIED**, to move the December Village Council meeting to Wednesday, December 22, 2021. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.

Reports of Boards:

- 1.) Water & Light Board: Regular and electronic meeting minutes for May 11, 2021, were not included in the packet.
- 2.) Planning Commission Meeting: April 26, 2021 – cancelled.

Committee Reports:

- 1.) Infrastructure Committee (formerly DPW/WWTP): April 29 and May 12, 2021, meeting minutes provided. Verbal report by Hendrickson.
- 2.) Ordinance Committee: May 6, 2021 meeting minutes provided. Verbal report by Stokes.
- 3.) Garbage Committee: May 10, 2021 meeting, verbal report given by Hardenbrook.

Reports of Village Officers & Management:

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

Public Comment: Comment heard from Scott Ouellette.

Comments by Council Members: Comments heard from Cameron and Freese.

Adjourn Meeting: Moved by Stokes, support by Cameron, **CARRIED**, to adjourn the meeting at 9:02 p.m.
Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Schummer, Stokes. Absent: Puckett.

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

Terese Schummer, Clerk

Catherine Freese, Village President