

Newberry Village Council

Regular Meeting Minutes  
January 19, 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, Stokes. \*Jeffery Puckett was sworn-in prior to the January 12, 2021 meeting. 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, Superintendent of WWTP & DPW – Blakely, Clerk – Schummer, Village Attorneys – Jeff Jocks and Greg Grant – present during closed sessions only, Newberry News - Sterling McGinn, Steve Stiffler.

**Call to Order:** President Freese called the meeting to order at 6:03 p.m. via Zoom.

**Adoption of Resolution:** Moved by Hardenbrook, support by Stokes, **CARRIED**, to adopt Resolution 2021-01, establishing rules for remote attendance by Village Council members, Planning Commission Members, Village Committee Members, and members of the public at meetings. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Stokes.

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

**Minutes:** Moved by Hardenbrook, support by Hendrickson, **CARRIED**, to approve the minutes from the December 15, 2020 Public Budget Hearing as written. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Stokes. Abstain: Puckett, as he was not on the Council for the 12/15/2020 hearing. Moved by Hendrickson, support by Stokes, **CARRIED**, to approve the minutes from the December 15, 2020, Regular Village Council Electronic Session as written. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Stokes. Abstain: Puckett, as he was not on the Council for the 12/15/2020 meeting.

**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(l)(g) and MCL 15.268(h). Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Stokes.

**Council enters into Closed Session at 6:12 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(l)(g) and MCL 15.268(h). Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Stokes.

**Council exits Closed Session at 6:52 p.m.**

- B.) Pentland Township Litigation: Moved by Freese, support by Cameron, **CARRIED**, to go into Closed Session pursuant to MCL 15.268(e) to discuss trial and settlement strategy related to Pentland versus the Village because discussion in open session would have a detrimental financial effect on the Village's trial and settlement position. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Stokes.

**Council enters into Closed Session at 6:54 p.m.**

Moved by Freese, support by Cameron, **CARRIED**, to end Closed Session and return to Open Session. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Stokes.

**Council exits Closed Session and enters Open Session at 7:09 p. m.**

**Village President's Announcements**: None

**Submission of Bills and Financial Updates**:

- A.) Purchase Bobcat 5600 and attachments: Superintendent Blakely discussed the need and benefits regarding purchasing the Bobcat. Moved by Hendrickson, support by Puckett, **CARRIED**, to accept the recommendation of the DPW Committee, and approve the bid from M32 Enterprises, for the Village purchase of the Bobcat 5600, including the trade-in of the Villages 2005 Toolcat and 2002 Holder for a \$5,900.00 each, for the final price of \$49,920.49. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Stokes.
- B.) Village of Newberry monthly Bills: Moved by Puckett, support by Cameron, **CARRIED**, to approve payment of the December 11, 2020 – January 15, 2021 bills, in the amount of \$86,511.95. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Stokes.
- C.) Water & Light monthly bills: Moved by Cameron, support by Hendrickson, **CARRIED**, to pay the Electric and Water Fund bills for December 4, 2020 – January 15, 2021, with a total amount of \$229,879.43. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Stokes.
- D.) Christmas Lights Fund – as of 12/31/2020 - \$15,387.94.
- E.) Treasurer's Report:
- a.) December 2020 – N. Moulton submitted a written report. Council accepted the report as presented.

**Petitions and Communications**: Review of submitted Pre-Appointment Questionnaires.

- a.) Council Seat – Moved by Freese, support by Puckett, **CARRIED**, to appoint Darrell Schummer to the vacant Council Seat. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Stokes.
- b.) Planning Commission – Moved by Freese, support by Puckett, **CARRIED**, to appoint Sterling McGinn to the vacant seat on the Planning Commission. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Puckett, Stokes.

**Introduction and Adoption of Ordinances and Resolutions**:

- 1.) Resolution 2021-001 – Establishing Rules of Remote Attendance: Completed prior in the meeting.
- 2.) Ordinance A Amendment: Moved by Freese, support by Stokes, **CARRIED**, to approve and adopt the Amendment to Ordinance A, to modify the second paragraph of Section A:1:1b At Large. This is regarding the customer non-electror being allowed to be chair and also allows the non-electror to be a business owner who is a utility payer. Discussion followed. Ayes: Freese, Cameron, Hardenbrook, Hendrickson, Stokes. Nays: Puckett.
- 3.) Ordinance 23 Amendment: Moved by Freese, support by Stokes, **WITHDRAWN**, to approve and adopt amendment to Ordinance 23, regarding winter parking. Discussion followed. It was decided to send this back to the Ordinance Committee for more discussion and review.

***Hardenbrook leaves the meeting at 8:11 p.m.***

**Unfinished Business:**

- 1.) New Water Operator in Charge: Landon Burton, who is our apprentice Lineman/Water Operator, is now the new Water Operator in Charge. Burton passed his water test and is now fully licensed.
- 2.) Council Committee Assignments: President Freese presented a list of committees and its members and asked that it be reviewed. She stated she would have a new list to include new Council member Schummer on the committees.
- 3.) CRLGG Grant Closing: Walkins explained that the grant was to be used for Corona Virus related expenses. She stated the amount of the Grant was for \$16,864.00 of which the Village is returning \$2,118.62 in unused grant funds. The Grant was used for PPE, hand sanitizer stations, sound equipment for meetings and the new lobby space.
- 4.) MI Clean Water Grant Application: Council reviewed the submitted application.
- 5.) Public Comment Follow-Up from Previous Meeting: None needed.

**New Business:**

- 1.) AFSCME Union Contract 2021-2023: Moved by Freese, support by Hendrickson, **CARRIED**, that Council go to into Closed Session to discuss strategy connected with the negotiation of the union collective bargaining agreement pursuant to MCL 15.268(c). Ayes: Freese, Cameron, Hendrickson, Puckett, Stokes. Absent: Hardenbrook.

**Council enters into Closed Session at 8:32 p.m.**

Moved by Freese, support by Puckett, **CARRIED**, to end the Closed Session and return to Open Session. Ayes: Freese, Cameron, Hendrickson, Puckett, Stokes. Absent: Hardenbrook.

**Council exits Closed Session and enters Open Session at 8:40 p. m.**

Moved by Freese, support by Hendrickson, **CARRIED**, to approve the AFSCME bargaining agreement. Discussion followed. Ayes: Freese, Cameron, Hendrickson, Puckett, Stokes. Absent: Hardenbrook.

- 2.) Approval of MERS Defined Benefit Plan Adoption Agreement Addendum: Watkins explained the agreement to the Council. Discussion followed. Moved by Puckett, support by Stokes, **CARRIED**, to adopt the MERS Defined Benefit Plan Adoption Agreement Addendum. Ayes: Freese, Cameron, Hendrickson, Puckett, Stokes. Absent: Hardenbrook.
- 2.) Code of Conduct Proposed Edit: Edit regarding Council member conduct with the media. Moved by Freese, support by Stokes, **CARRIED**, to approve the Code of Conduct proposed edit. Discussion followed. Ayes: Freese, Cameron, Hendrickson, Puckett, Stokes. Absent: Hardenbrook.
- 3.) EA Amount for January – June of 2021: For review. EA amount is set at .010674 for January – July 2021.
- 4.) Bond Amortization Schedules: For review.

**Reports of Boards:**

- 1.) Water & Light Board: Regular electronic meeting minutes for January 12, 2021, were provided. Stokes gave a verbal report.
- 2.) Planning Commission Meeting: Meeting minutes for December 28, 2020 meeting were provided. Watkins gave a verbal report.

**Committee Reports:**

- 1.) Ordinance Committee: January 7, 2021 meeting minutes provided.
- 2.) Management Committee: December 9, 2020 and January 13, 2021 meeting minutes provided.
- 3.) DPW/WWTP Committee: January 13, 2021 meeting minutes provided.

**Reports of Village Officers & Management:**

- A.) Fire Chief: None.

- B.) Ordinance Enforcement Officer: 2020 Activity Report provided and reviewed.
- C.) Superintendent of Wastewater Treatment Plant & DPW: None.
- D.) Water & Light: Written report submitted by Working Superintendent Kucinkas. Watkins gave a verbal report. Discussion followed.
- E.) Village Manager: Watkins gave a verbal as well as written report.

**Public Comment**: None

**Comments by Council Members**: Comment heard from Cameron, Puckett and Freese.

**Adjourn Meeting**: Moved by Cameron, support by Stokes, **CARRIED**, to adjourn the meeting at 9:29 p.m.  
Ayes: Freese, Cameron, Hendrickson, Puckett, Stokes. Absent: Hardenbrook.

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

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Terese Schummer, Clerk

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Catherine Freese, Village President