

Newberry Village Council
Regular Meeting Minutes
June 19, 2017

Present: President DeWitt, Trustees: Baynton, Brown, Dishaw, Hendrickson, Medelis.

Absent: Zimmerman.

Also Present: Village Manager James-Mesloh, Assistant Village Manager Vallad, Clerk Schummer, Finance Manager Mary Jordan, Superintendent WWTP George Blakely, Fire Chief John Wendt, Village Attorney Jeff Jocks, Ken Talsma of Anderson, Tackman & Company, PLC, Jim Diem.

Call to Order: President DeWitt called the meeting to order at 6:00 p.m. at the Village of Newberry Administration Building. The Pledge of Allegiance was recited.

Approval of Agenda: Moved by Brown, support by Medelis, **CARRIED**, to approve the agenda with three additions. Ayes: All. Absent: Zimmerman.

Minutes: Moved by Brown, support by Hendrickson, **CARRIED**, to approve the May 15, 2017, Truth and Taxation Public Hearing minutes. Ayes: All. Absent: Zimmerman. Moved by Brown, support by Hendrickson, **CARRIED**, to approve the May 15, 2017, regular meeting minutes as written with one correction. Page 3 under *New Business*, item 5.) a., line 5, Read: exceeds \$300 hours per week. Now reads: exceeds \$300 per week. Ayes: All. Absent: Zimmerman.

Village President's Announcements:

- 1.) Introduce Village Attorney - DeWitt introduced the Village Attorney, Jeff Jocks, to the Council.
- 2.) Recent Audit – A presentation of the Village of Newberry Basic Financial Statements was given by Ken Talsma of Anderson, Tackman & Company, PLC Certified Public Accountants. A question and answer period followed the presentation. Mr. Talsma stated that it was a clean audit and that everything looked good. Manager James-Mesloh stated she appreciated all the work the staff did to get this audit done, through this very difficult year with having the loss of Charlie Cleaver.

Submission of Bills and Financial Updates:

- 1.) Village of Newberry – Monthly Bills. Moved by Hendrickson, support by Brown **CARRIED**, to approve the May 2017 bills as presented. Discussion followed. Ayes: All. Absent: Zimmerman.
- 2.) Village of Newberry - Cash Balance – May 2017. Reviewed.
- 3.) Village of Newberry – Financial Statement – May 2017. Reviewed.
- 4.) Water & Light monthly bills for May 2017. Reviewed.
- 5.) Water & Light – Financial Statement – May 2017. Reviewed.
- 6.) Request for Disbursement of Funds – Drinking Water Revolving Fund (DWRP) and Clean Water Revolving Funds (SRF/SWQIF)
 - a. C2AE – Invoice #61632 – January 2016 Request #16
 - i. \$59,810.93 – Release of funds already approved. Moved by Brown, support by Baynton, **CARRIED**, to pay C2AE Invoice #61632, Request #16 for the

amount of \$59,810.93, subject to review and determination by the attorney as to whether a lien waiver is necessary or contract is sufficient. Discussion followed. Ayes: All. Absent: Zimmerman.

- b. C2AE – Invoice #63956: February - June 2017 - Request #21
 - i. Moved by Brown, support by Hendrickson, **CARRIED**, to pay C2AE, invoice #63956, in the amount of \$6,278.58, for work completed by various professionals between February and June 2017. Discussion followed. Ayes: All. Absent: Zimmerman.

Public Comments on Agenda Items: Jim Diem questioned what was happening with the grass restoration. The Village Manager said that Mike Pond told her that they had tested the soil and found the problem and now has to figure out how to remedy the problem. There is over \$200,000 in retainage, which will not be released until we approve of the restoration. Discussion regarding the MDOT restoration was also held.

Petitions and Communications: None

Introduction and Adoption of Ordinances and Resolutions:

1. **Planning Commission Resolution:** Moved by Medelis, support by Hendrickson, **CARRIED**, to adopt the Village of Newberry, appointment of trustees to planning commission, resolution. Discussion followed. Ayes: Baynton, DeWitt, Hendrickson, Medelis. Abstain: Dishaw, Brown. Absent: Zimmerman.
2. **Employer Resolution Establishing Uniform Transfer Provision – MERS.** Moved by Dishaw, support by Baynton, **CARRIED**, to adopt the Employer resolution establishing uniform transfer provision – MERS DB-094. Discussion followed. Ayes: All. Absent: Zimmerman.

Reports of Village Officers and Management:

- A.) **Treasurer Report – May 2017:** The treasurer report was accepted.
- B.) **Fire Chief:** Chief Wendt gave his report. There was a fire June 18th. Wendt checked into burning structures for training purposes and reported his findings to the Council. Wendt advised that he received a letter from MDOT stating that there would be roadwork starting, with lane closure, on M-123 from County Road 407 to the Luce/Chippewa County line, beginning June 20 for approximately 1 month.
- C.) **Superintendent of Wastewater Treatment Plant:** Superintendent George Blakely gave a verbal as well as written report (attached). The Newberry Wastewater Plant Septage Receiving Operating Policy was discussed with the following added or changed: There will be no smoking permitted on premises, payment will be due by the 10th of the month and the gate will be locked and driver must log-in prior to discharge and only during business hours. Discussion followed.
- D.) **Superintendent of Parks and Recreation for Period of May 2017**
 - a. **Revised Grant Agreement for TORC:** Brown explained the revised grant agreement for the TORC project to the Council. Moved by Hendrickson, support by Medelis, **CARRIED**, approve the proposed revised grant agreement, project scope and budget, TF11-068, Tahquamenon Outdoor Recreation Complex. A lengthy discussion followed. Ayes: Baynton, Brown, DeWitt, Hendrickson, Medelis. Abstain: Dishaw. Absent: Zimmerman.

- b. Atlas Park Update: The playground equipment will be ordered soon, to be paid for with grant money. A discussion was held regarding the fencing and railroad right-of-way.
- E.) Assistant Village Manager: Vallad gave a verbal as well as written report. Written report is attached. The Assistant Village Manager advised Council that there will no longer be phone calls made to customers who are late on paying their bills before shut-off.
- F.) Village Manager: James-Mesloh deferred her report to other items in the agenda.

Reports of Boards:

- 1.) Water & Light Board Meeting from Tuesday, June 13, 2017: Medelis gave the report.
- 2.) Tahquamenon Outdoor Recreation Complex (TORC): Brown gave the report.
- 3.) Planning Commission Meeting, June 1, 2017:
 - a. Master Plan: The Village Manager presented and discussed the Village of Newberry Master Plan-Draft Action Plan.
 - b. Community Assessment: James-Mesloh also presented the Michigan Rural Council Community Assessment that was done for Newberry.

Committee Reports: (Presented after Superintendent of Wastewater Treatment Plant report)

- 1.) DPW/WWTP Committee:
 - a. Mowing/Mowers: Moved by Brown, support by Baynton, **CARRIED**, to purchase two TORO mowers at a cost of \$13,597.92. Discussion followed. Ayes: All. Absent: Zimmerman.
 - b. Assessment of Former 41 Lumber Building: The report from C2AE showed many defects in the building. Discussion followed. The Village Manager is going to put the remodel of the building out for request for proposal and design bids.
 - c. WWTP Septic Haulers/Gate Locked (discussed during Superintendent of Wastewater Treatment Plant report)
- 2.) Finance Committee: None.
- 3.) Fire Committee: Medelis gave a report on the meeting held in May. The point system rather than hourly rate for firemen was discussed at the meeting. Tanker 1 had been leaking and was fixed. Discussed opening a separate restricted bank fund for money received from the State of Michigan for training purposes.
- 4.) Management Committee:
 - a. Schedule Meeting with Village Manager to Determine Performance Evaluation Criteria.
 - b. Complete Performance Evaluation of Village Manager Prior to July 14, 2017.
- 5.) Ordinance Committee: Meeting dates have been changed from the first Thursday of the month to the last Monday of the month.
- 6.) Project Rising Tide: Group is reaching out to NATA to try to work together to accomplish reviving a Visitors Bureau.
- 7.) Strategic Health Alliance: There are a couple of events scheduled for July. Discussed having a billboard on M-28, which will focus on recreation in Newberry.
- 8.) Safety Committee:
 - a. MIOSHA Educational Audit – discussed earlier.

Unfinished Business:

- 1.) CDBG Emergency Fund Grant – Victory Way Project – A Public Hearing was held at 5:30 p.m., prior to this meeting to close out the grant.
- 2.) Restoration of Excavated Areas for Water Project. – Discussed earlier in meeting.
- 3.) Ordinance Enforcement Officer – Interviews will be held on June 23rd.

New Business:

1. Recycling Grant Award: Brown reported on a grant awarded to Newberry from the DEQ for recycling. Discussion followed.
2. Citizen Request to Purchase Village Property: Discussed how to sell the property fairly for all village residents. The Village Attorney stated there would have to be a purchase agreement and also will need to adopt an ordinance in order to sell the property. The Village Manager will follow-up.
3. Receptionist and Administrative Assistant to Superintendents: Village Manager discussed the current options customers have to pay their W&L bills. James-Mesloh recommended to Council that the full time and part-time Water & Light Clerk positions, vacated in March, not be filled and instead move the full-time position to be an Administrative Assistant to Superintendents. To help with this move she also recommends that in-person W&L bill paying be reduced to one day a week or to only accept payment the day before and day of shut offs. After a lengthy discussion, the Council supported both recommendations.

Public Comment: None.

Comments by Council Members: Trustee Brown stated that Verizon is interested, and are searching for, a place to put a phone tower in Newberry. Dishaw stated he was disappointed because he had stated when he started on the Council that he wanted his per-diem to go into the Christmas Bell account and it has not so he would now like to get his per-diem pay retroactive. The building on E. Helen that is in an unsafe condition was discussed, as to what the Village options are to get it removed.

Adjournment – Regular Session to go into Closed Session: Moved by Medelis, support by Brown, **CARRIED**, to go into Closed Session at 9:37 p.m. to discuss personnel issues. Roll call vote: Ayes: Baynton, Brown, DeWitt, Dishaw, Hendrickson, Medelis. Absent: Zimmerman.

Adjournment – Closed Session to reopen Regular Session: Moved by Dishaw, support by Brown, **CARRIED**, to come out of Closed Session to reopen the Regular Session at 9:57 p.m. Ayes: Baynton, Brown, DeWitt, Dishaw, Hendrickson, Medelis. Absent: Zimmerman.

Council Action after Closed Session: Moved by Brown, support by Baynton, **CARRIED**, that the Village Manager, Assistant Village Manager and the Village President be allowed to pursue an employment agreement for a new Water and Light Superintendent. Ayes: All. Absent: Zimmerman.

Adjourn Meeting: Moved by Brown, support by Baynton, **CARRIED**, to adjourn the meeting at 10:00 p.m. Ayes: All. Absent: Zimmerman.

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

Terese Schummer, Clerk

John Dewitt, Village President

Newberry Wastewater Treatment Plant

George Blakely
Superintendent

June has been a busy month.

We started with an OSHA walk through at the end of May. The deficiencies identified at the WWTP that were noted in the walk through have been addressed and most of them corrected.

The sludge from the digesters was hauled by Full Service Organics (FSO) to Tom Craig's field. The operation went smoothly even with the amount of rain we had. FSO hauled over 300,000 gallons of sludge in about 13 hours. We have started to make some operational changes at the plant to help with the digester space.

Tasks Completed:

- Garage Door fixed by Hunter Doors
- Drying Bed emptied by MDOT
- Work on OSHA deficiencies
- Installed new door on Bisulfite Room
- Started pumping scum pit to drying bed
- Finished landscaping by entrance and Fire Hydrant
- Oak City began working on punch list
- Ginnever Electric fixed items noted by OSHA

Newberry Water and Light Board and Council Meeting

Assistant Village Manager; Buck Vallad

May 1 to May 31

May finally saw the arrival of spring. The time was right to start sweeping streets and finishing projects started in the fall. All picnic tables and flower pots were placed. All stumps on Main St. sidewalks were removed.

- **No peak shaving for the month of May**
- **Miss digs**
- **Work orders**
- **Brushed locations in town**
- **Water samples**
- **Nonpayment disconnects**
- **Meter reading**
- **Removed Brush from alleys**
- **Filled potholes**
- **Removed beaver dam again**
- **Street sweeping**
- **Safety committee meeting**
- **Meca safety meeting**
- **Repaired tower hydrant**
- **4 Outages for the month (squirrels,trees, and bad transformer)**
- **Moved pole for customer on Sherman**
- **Call out for accident on M123.. Driver hit guy wire**
- **OSHA inspection of all facilities**
- **Worked on outlets on Newberry ave**
- **In town brushing.**
- **Worked with Aecom on soil samples**
- **Union negotiations**
- **Worked with John I on REU's**

**Village Council Meeting
Village Manager Talking Points
June 19, 2017**

A. Options for Bill Payments

- a. Current options to pay water, light and garbage bills are:
 - i. In-person
 - ii. Drop-box beside the Water & Light building
 - iii. Mail
 - iv. Online
 - v. Local banks
 - vi. Available but not currently being utilized is automatic withdrawal from a customer's bank account. This is done by giving the routing number and bank account number the customer wants the funds withdrawn from and then it automatically happens on the due date for the amount of that month's bill.

- b. Suggested changes to pay water, light and garbage bills:
 - i. Proposal to reduce in-person bill payments to once per week or to only accept them the day before and day of shut offs. The rationale for this proposed change is the cost to the organization requires a minimum of two full-time staff and at least one additional part-time staff. This is a very expensive service given the current budget constraints of the organization.

B. Restructure Staffing for Water & Light Department

- a. Recommend not refilling the full-time WL Clerk position vacated in March 2017.
- b. Recommend not refilling the part-time WL Clerk position vacated in March 2017.
- c. Instead create a position to be an Administrative Assistant to Superintendents and open to current staff only.
- d. This would be a non-union position.
- e. Administrative Assistant to Superintendents position would report to the Superintendents for Water & Light, WWTP, and Parks & Recreation.
- f. This position would also serve as the receptionist for all phone calls received by the Village, Water & Light, and WWTP.

C. Salary & Benefits Recommendation

- a. Recommend salary range \$16.47 - \$16.62 per hour
- b. \$16.47 = \$34,257.60
- c. \$16.62 = \$34,569.60
- d. \$312 difference

**VILLAGE OF NEWBERRY
APPOINTMENT OF TRUSTEES TO PLANNING COMMISSION
RESOLUTION**

Motion By: Medelis

Supported By: Hendrickson

WHEREAS, the Village of Newberry created a Planning Commission pursuant to Public Act 33 of 2008, known as, the Michigan Planning Enabling Act, and

WHEREAS, the Village is less than 40,000 in population, and

WHEREAS, the Village of Newberry Board of Trustees has decided to appoint two Village Board of Trustee members to the Village of Newberry Planning Commission, and

Pursuant to Public Act 566 of 1978, known as, the Incompatible Public Offices Act, the Village of Newberry Board of Trustee desires to appoint two members of the Village of Newberry Board of Trustees to the Planning Commission, and

According to the Public Act 566 of 1978, Section 3 (4)(c) the Village of Newberry Board of Trustees authorizes the following Board Members to serve on the Planning Commission.

NOW THEREFORE BE IT RESOLVED, that Sharon Brown and Harold Dishaw be appointed to the Planning Commission and serve terms as specified in the Planning Commission by-laws.

FURTHER BE IT RESOLVED, upon leaving office as a Village Trustee, the appointment to the Planning Commission shall also terminate within 30 days or until the position on the Planning Commission is filled whichever comes first.

I, Terese Schummer, Clerk of said Village of Newberry, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Village Council of the Village of Newberry, County of Luce, State of Michigan, at a regular meeting held on June 19, 2017 that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, and that the minutes of said meeting be kept and will be or have been made available as required by said Act.

AYES: Baynton, DeWitt, Hendrickson, Medelis

NAYS: none

ABSENT: Zimmerman

ABSTAIN: Dishaw, Brown

In Testimony Whereof, I have hereunto set my hand and Affixed the seal of said Village of Newberry, this 19th day of June 2017.

Terese Schummer

Terese Schummer, Clerk
Village of Newberry

6/19/17

Date

Employer Resolution Establishing Uniform Transfer Provision



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mersofmich.com

WHEREAS, the Village of Newberry is a participating municipality or court in the Municipal Employees' Retirement System of Michigan ("MERS"); and

WHEREAS, the Standard MERS Transfer policy became effective in August 2007; and

WHEREAS, under the Standard Transfer policy, all transferred employees (and rehired employees) are covered under the open employee plan associated with the defined employee group. Where the new plan is MERS Defined Contribution or Hybrid, the accrued defined benefit of transferring employee is frozen as of transfer date. Where the new plan is the MERS Defined Benefit, the transferring employee's service and wages will transfer to the new plan for purposes of calculating their retirement benefit.

WHEREAS, pursuant to Retirement Board action on November 10, 2010, the employing municipality or court may adopt for all its MERS divisions (present and future) an alternate policy which allows all transferred employees an individual choice at the time of transfer to either be placed in: (1) the division's open plan, or (2) the closed plan if it is the same plan type, provided there are active employees remaining in the closed division.

WHEREAS, this alternate transfer provision applies to transferred employees only; rehired employees will continue to be enrolled into the open plan; and

NOW THEREFORE BE IT RESOLVED, that effective _____ 1st, 2017, the Governing Body adopts this Resolution (or for a participating court, the Chief Judge by Administrative Order) for all present and future employee divisions requiring that all transferred employees (select only one):

- shall be covered under the open plan in the division into which they are transferred.
- shall be given the individual choice to either be placed in the open or closed plan if it is the same plan type provided there are active employees remaining in the closed plan.

MERS' Standard Transfer policy is an administrative process. Changes to such policy may impact MERS' ability to administer alternate and standard transfers in the future.

SEE PAGE 2 FOR CHART OF TRANSFER GUIDELINES

CERTIFICATION FOR PARTICIPATING MUNICIPALITY OR COURT

I hereby certify that this Resolution was adopted by (check one):

The Governing Body of the Village of Newberry at its meeting held on 06/19/2017
(dd/mm/yyyy) (Name of Municipality)

Administrative Order No. _____ adopted by the Chief Judge of the
(Order Number)

_____, on _____
(Name of Court)

(dd/mm/yyyy)

Signature of Authorized Official: Terese Schummer, Date: 6/19/17
(dd/mm/yyyy)

Printed name: Terese Schummer Title: Village Clerk

Employer Resolution Establishing Uniform Transfer Provision

In any transfer, employees' service is used toward vesting and eligibility in the new (active) plan. The employee takes on the benefit structure of the open plan on the first of the month that the plan is effective.

	Transfer to DB	Transfer to DC	Transfer to Hybrid
From DB	<p>Where a DB is the new benefit</p> <ul style="list-style-type: none"> All accrued wages, service transfer to the new plan and retirement is calculated using new DB benefits 	<p>Where DC is the new benefit</p> <ul style="list-style-type: none"> DB is frozen 	<p>Where Hybrid is the new benefit</p> <ul style="list-style-type: none"> DB is frozen DB of Hybrid begins accruing benefit service
From DC	<p>Where DB is the new benefit</p> <ul style="list-style-type: none"> DC remains participant directed, no future contributions Service earned helps meet vesting in both DB and DC plans 	<p>Where DC is the new benefit</p> <ul style="list-style-type: none"> Previous DC account balance and investment allocation are transferred into the new DC plan New contributions are directed to default fund until investment allocation is elected Future investment allocation / realignment is managed by the participant 	<p>Where Hybrid is the new benefit</p> <ul style="list-style-type: none"> Previous DC account balance and investment allocations are transferred into the new DC of Hybrid plan DB of Hybrid begins accruing benefit service
From Hybrid	<p>Where DB is the new benefit</p> <ul style="list-style-type: none"> DB of Hybrid is frozen DC of Hybrid remains participant directed, no future contributions, same eligibility for distributions applies DB benefit accrual begins with effective date of the plan 	<p>Where DC is the new benefit</p> <ul style="list-style-type: none"> DB of Hybrid is frozen DC of Hybrid account balance and investment allocations are transferred to the new DC plan New contributions are defaulted until participant changes investment allocation Future investment allocation/ realignment is managed by the participant 	<p>Where Hybrid is the new benefit</p> <ul style="list-style-type: none"> For DB of Hybrid – all accrued wages, service are transferred to the new plan and retirement is calculated using DB of H benefits For DC of Hybrid – previous DC of Hybrid account balance and investment allocations are transferred into the new DC of Hybrid plan