

Newberry Village Council  
Regular Meeting Minutes  
July 21, 2020 – 6:00 p.m.  
Electronic Public Meeting – Due to COVID-19 Virus

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

**Present:** President Stokes, Trustees: Cameron, Freese, Hardenbrook, Hendrickson, Puckett.

**Absent:** None.

**Also Present:** Interim Village Manager/Director of Human Resources & Community Engagement – Watkins, Clerk – Schummer, Sterling McGinn, Jeff Jocks and Gregory Grant.

**Call to Order:** President Stokes called the meeting to order at 6:00 p.m. via Zoom.

**Approval of Agenda:** Moved by Hendrickson, support by Freese, **CARRIED**, to approve the agenda with two changes: #1 - remove item 10.7 - Presentation of 2018 Audit by SOM Treasury Auditor Brenda Drayton. #2 – Add under 6b – FOIA Fee Appeal. Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.

**Meeting with legal counsel regarding employee mediation preparation:**

**Move into close session at 6:07 p.m.:** Moved by Freese, support by Hardenbrook, **CARRIED**, move that we enter into closed session to discuss with the Village’s attorney, 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: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.

**Motion to exit closed session at 6:32 p.m.:** Moved by Freese, support by Hardenbrook, **CARRIED**, move that we exit closed session wherein we discussed with the Village’s attorney 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: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.

**Motion regarding Approved Action:** Moved by Freese, support by Hardenbrook, **CARRIED**, to hereby move to accept the advice of counsel regarding trial/settlement strategy in the pending matter involving the arbitration demand of Jennifer James-Mesloh, within the certain parameters discussed during the closed session as part of the Village’s trial and/or settlement strategy. Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.

**FOIA Fee Appeal:** Moved by Freese, support by Hardenbrook, **CARRIED**,

- 1.) That the Village Council acknowledge receipt of the FOIA Fee Appeal filed by Charlie Mesloh on July 17, 2020 pursuant to MCL 15.240a(3) which makes the date of receipt of the Fee Appeal today, July 21, 2020;
- 2.) That the Village Council extend the period during which it is required to respond to the Fee appeal by 10 business days pursuant to MCL 15.240a(2)(d) because the Village Council must make its response at a public meeting pursuant to the Open Meetings Act and the extension will allow the Village Council to make its response at its next regularly scheduled Village Council meeting on August 18, 2020;
- 3.) That the Village Council’s extension is also necessary because otherwise it would have to hold a special meeting which will add unnecessary additional costs to the taxpayers of the Village of Newberry; and
- 4.) That the Interim Village Manager provide written notice to Charlie Mesloh of this extension as required by MCL 15.240a(2)(d). Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.

**Minutes:** Moved by Hardenbrook, support by Freese, **CARRIED**, to approve the minutes from the June 16, 2020 meeting, with one correction: Under Introduction and Adoption of Ordinances and Resolutions #3 – stated as follows: Ordinance 36 – Village Manager: Moved by Freese, support by Hendrickson, **CARRIED**, to move forward with the adoption of the revised Ordinance 36 - Village Manager Ordinance. Discussion followed. Ayes: Stokes, Cameron, Freese, Hardenbrook. Nays: Hendrickson, Puckett. **Now reads:** Ordinance 36 – Village Manager: Moved by Freese, support by Hendrickson, **CARRIED**, to move forward with the adoption of the revised Ordinance 36 - Village Manager Ordinance. Discussion followed. Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.

Vote after correction was made. Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, 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 Puckett, support by Freese, **CARRIED**, to approve payment of the June 13, 2020 – July 17, 2020 bills, in the amount of \$131,973.76. Roll call vote: Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.
- B.) Water & Light monthly bills: Moved by Puckett, support by Hardenbrook, **CARRIED**, to accept the recommendation of the W&L Board to pay the Electric and Water Funds for June 6, 2020 – July 10, 2020, in the total amount of \$85,559.22. Roll call vote: Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.
- C.) Christmas Lights Fund – as of 6/30/2020 - \$12,949.59.
- D.) Treasurer's Report:
  - a.) June 2020 – N. Moulton gave a written report. Council accepted the report as presented.
- E.) Request for Disbursement of Funds:
  - a.) Stormwater/Asset Management/Wastewater (SAW) Grant Program, pay when paid: Moved by Freese, support by Cameron, **CARRIED**, to pay Request #24 – 05/01/2020 to 05/31/2020 –C2AE invoice #69874 for \$2,930.39 and Baker Tilly Invoice #BTMA5890 for \$12,000.00 for a total of \$14,930.39. Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.
  - b.) McGahey Construction (also listed in payables): Moved by Hardenbrook, support by Puckett, **CARRIED**, to pay Request #1 for \$44,100.00 and Request #2 for \$41,850.00 for a total of \$85,950.00. Discussion followed. Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.

**Petitions and Communications:** None

**Introduction and Adoption of Ordinances and Resolutions:** Interim Village Manager, Watkins, gave a brief explanation of the following proposed resolutions and ordinance.

- 1.) Resolution to approve Deficit Elimination Plan with projected budget for Sewer Fund: Moved by Freese, support by Cameron, **CARRIED**, to adopt Resolution 2020-07-21-SF. Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.
- 2.) Resolution to approve Deficit Elimination Plan with projected budget for TORC Fund: Moved by Hendrickson, support by Cameron, **CARRIED**, to adopt Resolution 2020-07-21-TORC. Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.
- 3.) Resolution to approve Deficit Elimination Plan with projected budget for Atlas Park Fund: Moved by Hardenbrook, support by Puckett, **CARRIED**, to adopt Resolution 2020-07-21-ATLAS. Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.
- 4.) Ordinance 11 Compensation of President and Trustees: Moved by Freese, support by Hendrickson, **CARRIED**, approve the changes in Ordinance 11. Discussion followed. Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson. Nays: Puckett.

**Unfinished Business:**

- 1.) 2019 Audit: Approval of extension request for the Audit and F65 reports until August 30, 2020. Received in letter dated July 15, 2020 from Michigan Department of Treasury, Cary Jay Vaughn, Audit Manager. Informational.

- 2.) Grant Easement to Diane Ducsay: Moved by Cameron, support by Hardenbrook, **CARRIED**, to approve the Village President sign the Grant of Easement for Ducsay as reviewed by the Village attorney. Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.
- 3.) Refund of Sewer Fees: Moved by Puckett, support by Hardenbrook, **CARRIED**, to credit Dale Betcher's bill for November and December 2019 in the amount of \$70.00. Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.
- 4.) Public Comment Follow-Up: When will recycling drop-off open again? Interim Village Manager Watkins, stated she is working to start our recycling again, however, Hiawatha has been sold to Zellar, so she is trying to confirm that the contract remains the same and also seeking answers in regard to our specific bins with the new company. Discussion followed.

**New Business:**

- 1.) Village Manager Position Description: Moved by Freese, support by Cameron, **CARRIED**, to approve the Village Manager Job Description as presented by the Management Committee. A lengthy discussion followed. Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.
- 2.) Fairbanks Generator Inspection for Repair: Watkins reported on the damage and possible costs to repair the Fairbanks Generator. A lengthy discussion followed.

**Reports of Boards:**

- 1.) Water & Light Board:
  - a.) Minutes provided from the July 14, 2020 meeting.
  - b.) 2019 Annual Water Quality Report – for review.
- 2.) Planning Commission Meeting: Thursday, June 25, 2020, minutes provided.

**Committee Reports:**

- 1.) Ordinance Committee: July 2, 2020, meeting minutes provided.
- 2.) Management Committee: July 8, 2020, meeting minutes provided.

**Reports of Village Officers & Management:**

- A.) Fire Chief: None.
- B.) Superintendent of Wastewater Treatment Plant & DPW: Blakely submitted a written report.
- C.) Water & Light: Written report submitted by Dan Kucinkas. Watkins stated that one of our linemen had resigned. She is working to increase the hourly wage for lineman, to get close to a competitive wage with other companies. She feels we need to raise the wage so that we are able to hire and retain lineman. If we do not retain lineman our electrical department will not be operational. Discussion followed.
- D.) Interim Village Manager/Director of Human Resources & Community Engagement: Watkins gave a verbal as well as written report.

**Public Comment:** None.

**Comments by Council Members:** None.

**Adjourn Meeting:** Moved by Freese, support by Hardenbrook, **CARRIED**, to adjourn the meeting at 8:22 p.m. Ayes: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett.

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

---

Terese Schummer, Clerk

---

Lori A. Stokes, Village President