

Newberry Village Council  
Regular Meeting Minutes  
July 16, 2019  
302 East McMillan Ave.  
6:00 p.m.

**Present:** President Stokes, Trustees: Brown, Dishaw, Freese, Hardenbrook, Hendrickson, Hitts.

**Absent:** None.

**Also Present:** Assistant Village Manager – Vallad, Ordinance Enforcement Officer – Fossitt, Director of Human Resources & Community Engagement – Watkins, Clerk – Schummer, Treasurer – Medelis, Chuck Pipes, Kip Cameron, Rebecca Handa, Steve Stiffler, Robert Stevens, Sterling McGinn, Michael Schnorr, Dale Duffield, Don Jones, Scott Ouellette, Michael Winn, Barb Bennett, Ken Stokes.

**Call to Order:** President Stokes 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 Hitts, support by Brown, **CARRIED**, to approve the agenda with the following addition: Add under Petitions and Communications #2 - Letter from Kip Cameron. Add under Reports of Boards #3 – Water & Light Board: End of terms for W&L Board members; Oct. 2019 – request for advertising for letter of interest to fill 3 appointed positions. Add under Reports of Committees – #2 Union Committee: Letter of Agreement for 10 hour days and Work week of 4<sup>th</sup> of July holiday; shortage of 2 hours work of each employee and #3 - 41 Lumber Ad-hoc Committee - Request for minutes from the 5-23-19; 41 Lumber Committee Meeting, 41 Lumber Building asbestos and Verification of Contractor’s workers compensation and liability insurance policies. And under Unfinished Business #2 – Revisions of Ordinance 29 & 36, #3 Co-Committee with W&L for revisions to Ordinance A, #4 Robert Stevens; Moose Tracks in memory of Brian Zimmerman project. Discussion followed. Ayes: Stokes, Brown, Dishaw, Freese, Hardenbrook, Hendrickson. Nay: Hitts.

**Minutes:** Moved by Hendrickson, support by Freese, **CARRIED**, to approve the minutes from the June 18, 2019 Regular Session as written. Ayes: Stokes, Brown, Dishaw, Freese, Hardenbrook, Hendrickson. Abstain: Hitts.

Council members Brown, Dishaw, Hitts as well as the Assistant Village Manager left the meeting at 6:07 p.m.

**Village President’s Announcements:** Written announcement attached.

**Public Comments on Agenda Items:** Comments heard from: Dale Duffield, Robert Stevens, Chuck Pipes, Don Jones, Scott Ouellette, Charles Medelis, Rebecca Handa, Michael Winn.

**Submission of Bills and Financial Updates:**

- A.) Village of Newberry – Monthly Bills. Moved by Hendrickson, support by Hardenbrook, **FAILED**, to approve the June 2019 bills, in the amount of \$26,480.68. Discussion followed. Ayes: Freese, Hardenbrook, Hendrickson. Nay: Stokes. Absent: Brown, Dishaw, Hitts.
  - B.) Water & Light monthly bills for June 2019: Moved by Hardenbrook, support by Freese, **FAILED**, to accept the recommendation of the W&L Board to pay the June Electric and Water Funds in the total amount of \$86,923.60. Ayes: Freese, Hardenbrook, Hendrickson. Nay: Stokes. Absent: Brown, Dishaw, Hitts.
- 1.) Christmas Lights Fund – as of 06/30/2019 - \$12,493.96. A deposit of \$258.48 was made with funds raised from the metal dumpster, thanks to Mr. Dishaw.
  - 2.) Treasurer’s Report – June 2019 – The Council accepted the report as presented.
  - 3.) Request for Disbursement of Funds – Stormwater/Asset Management/Wastewater (SAW) Grant Program, pay when paid: Moved by Freese, support by Hardenbrook, **CARRIED**, to pay Request #13 – May 1, 2019 to June 30, 2019 – Total: \$87,872.86. C2AE invoice #68144: \$4,332.13, C2AE invoice #68145: \$3,518.08, C2AE invoice #68281: \$6,313.03, C2AE invoice #68282: \$7,079.36,

Great Lakes TV Seal, Inc, invoice #19507: \$63,354.33, Village Staff Labor: \$3,275.93. Ayes: All.  
Absent: Brown, Dishaw, Hitts.

**Petitions and Communications:**

- 1.) Letter from Harold Dishaw
- 2.) Letter from Kip Cameron, discussion followed.

**Introduction and Adoption of Ordinances and Resolutions:** None.

**Reports of Boards:**

- 1.) Water & Light Board Meeting from Tuesday, July 15, 2019: Minutes provided.
  - a.) End of terms for W&L Board members; Oct. 2019 – request for advertising for letters of interest to fill 3 appointed positions.
- 2.) Planning Commission Meeting: Minutes provided from June 24, 2019 meeting.

**Reports of Village Officers and Management:**

- A.) Fire Chief: Fire Chief Wendt submitted a written report.
- B.) Ordinance Enforcement Officer: Fossitt gave a verbal and written report.
- C.) Director of Human Resources & Community Engagement: Watkins gave a verbal report.
  - a. FOIA Status Report
- D.) Superintendent of Wastewater Treatment Plant: Blakely submitted a written report.
- E.) Superintendent of Water & Light: Joe Lively – Working Foreman, submitted a written report.
- F.) Assistant Village Manager: Vallad submitted a written report along with charts.
- G.) Superintendent of Parks and Recreation: James-Mesloh submitted a written report.
- H.) Village Manager: James-Mesloh submitted a written report.

**Committee Reports:**

- 1.) Save the Bells Committee: Sterling McGinn gave an update on the project.
- 2.) Union Committee: Freese will reach out to the chair to have a meeting.
  - a.) Letter of Agreement for 10 hour days. Watkins will forward the request.
  - b.) Work week of 4<sup>th</sup> of July holiday; shortage of 2 hours work of each employee. Watkins stated the employees were given a 10-hour holiday, they are currently working 4-10 hour days.
- 3.) 41 Lumber Committee:
  - a.) Request for minutes from the 5-23-19; 41 Lumber Committee Meeting.
  - b.) 41 Lumber building asbestos.
  - c.) Verification of Contractor's workers compensation insurance and liability insurance policy.

**Unfinished Business:**

- 1.) Ethics Policy: Moved by Hardenbrook, support by Hendrickson, **CARRIED**, to direct Councilperson Freese to start a draft on the Ethics Policy. Ayes: All. Absent: Brown, Dishaw, Hitts.
- 2.) Revisions of Ordinances 29 & 36. Discussion held.
- 3.) Co-Committee with W&L for revisions to Ordinance A. Discussion held.
- 4.) Robert Stevens; Moose tracks in memory of Brian Zimmerman project. Stevens gave a brief description of the project.

**New Business:**

- 1.) TORC Contractor Award Approval: Moved by Hendrickson, support by Hardenbrook, **FAILED**, to approve the lowest bidder, at \$92,436.25, Kivisto Tree Service, LLC, to perform the work for the final stage of the TORC project. Ayes: Freese, Hardenbrook, Hendrickson. Nays: Stokes. Absent: Brown, Dishaw, Hitts.
- 2.) Redevelopment Ready Communities (RRC) – Public Participation Plan. Moved by Hardenbrook, support by Freese, **CARRIED**, to approve the Public Participation Plan as presented. Ayes: All. Absent: Brown, Dishaw, Hitts.

**Public Comment:** Comment heard from: Chuck Pipes, Mike Schnorr, Kip Cameron, Michael Winn, Don Jones, Barb Bennett, Steve Stiffler, Rebecca Handa, Scott Ouellette.

**Comments by Council Members:** Comment heard from Hardenbrook, Freese and Stokes.

**Adjourn Meeting:** Moved by Hardenbrook, support by Hendrickson, **CARRIED**, to adjourn the meeting at 8:22 p.m. Ayes: All. Absent: Brown, Dishaw, Hitts.

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

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Terese Schummer, Clerk

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Lori A. Stokes, Village President

7.16.19

President's Comments:

On January 31<sup>st</sup>, 2019, I received an email from Trustee Brown concerning a complaint brought to her. That email reads: "A complaint regarding the behavior of the village president has been brought to my attention, in my position as president pro-tem. After reviewing the opening minutes of the January council meeting video, I concur that a threatening statement was made by the president toward councilman Hitts. At approximately 9 minutes into the meeting video, the president states; "When I get hostile you're gonna want a way out." I would like to remind the president that one of her duties as a leader is to set a good example of proper behavior. Threats cannot and will not be tolerated - not towards council members nor employees."

I had not realized that Mr. Hitts felt threatened by my comment and I would like to make it clear that it was not meant to be a threat. It was a remark made in frustration and my poor attempt at humor. What needs to be considered is that I was using the time posted on the agenda as "President's Comments" and was rudely interrupted by Mr. Hitts. He did not ask nor had he been given the floor to speak and should have waited until "Council Comments" to share his opinion on the issue. Instead he continued to interrupt me. In my frustration, I made the mistake of commenting in a manner that was perceived as threatening. I publicly offered my apology to Mr. Hitts at the Council meeting in February.

There have been several occasions that certain council members and an employee have acted and treated colleagues and the public with disrespect, rudeness and hostility before, during and after meetings that have been reported to me. Such as, Mr. Hitts and Ms. Brown have rudely held conversations between themselves many times while other business is being conducted at the table, making it difficult for those in the audience to hear all that is being discussed. Ms. Brown has shown extremely hostile behavior with gavel banging and loud, order barking when she has taken over the meetings, to the point that she has caused an elderly resident in attendance to leave and left a very poor image of public servitude in the minds of those that witnessed it. Assistant Manager, Mr. Vallad has told a resident in attendance to "kiss my ass." Mr. Hitts has threatened a resident with the comment "I would burn you out" in the parking lot after a meeting; not to mention standing up and yelling at a resident and acting in a volatile manner during a meeting. Last month, immediately prior to the start of the meeting, Mr. Hitts erupted violently for reasons unknown, shoving his documents and materials, causing them to fly over the edge of the table and landing in disarray all over the floor. He then proceeded in yelling and proclaiming in a hostile manner, that he was done with it all and a new person could be found to handle the investigation, followed by storming out of the building, entering his vehicle and driving away in a very loud and unsafe manner heading west, down East McMillan. Thankfully, no pedestrians were in his way. I perceive that as his public verbal resignation.

All of these events were complaints brought to me in my position as Village President. I would like to remind Ms. Brown, Mr. Hitts and Mr. Vallad, that part of your duties are (in Ms. Brown's own words) to "set a good example of proper behavior." "Threats cannot and will not be tolerated - not towards" residents, "council members nor employees." We, as a council, can not remove a Trustee from the council. The Trustee has to resign voluntarily. However, I can suggest that Mr. Hitts remove himself from the council due to his inability to control his emotions and anger.

Finally I am lodging a complaint with all of the council that the memo received from the Village Attorney regarding management oversight has been ignored by Ms. Brown, Mr. Hitts, Mr. Dishaw and the Village Manager. Ms. Brown stated at the December Village Council meeting that "the council as a whole is in question to management oversight and needs to take the advice of the village attorney" regarding the memo received. In that memo it was clearly stated that "In order to effectuate requests for information or for action by the Village Council I recommend that if there are specific requests outside of the normal duties of the Village Manager that the Village Council adopt by motion at each meeting what information it would like provided or what action it would like taken by the Village Manager. The Village Manager can then report back at each successive meeting with the information and/or the action that was taken." But yet Ms. Brown held a one on one meeting the very next day with Mr. Vallad. Mr. Dishaw stated at a meeting that he showed up at the office and told the staff "you have 1/2 an hour to draft a banner" in which they met his demand and then a picture appeared in the Newberry News with the employees, Mr. Dishaw and Mr. Hitts standing alongside the scrap metal dumpster. I don't recall any of that being discussed or adopted by motion at a meeting. The Village Manager requested that our new Trustee meet one on one with her for an orientation that the Village Manager claims is her practice with all new Trustees. That "orientation" lasted 4.5 hours. However, when I checked with Trustee Hardenbrook and past Trustee AJ Downey, they reported that no orientation was held with them by the Village Manager or even offered. At last month's meeting, Mr. Dishaw, shaking his finger at me, stated very clearly that he will talk to whoever he wants to and no one will tell him he can't. If the complete truth was known, I wouldn't be surprised to hear that all of the Trustees have met in some way on a one-on-one basis with the Village Manager or a staff member since December! It is becoming increasingly clear that I am being held to a different standard than the rest of the council.

We are here at this table to represent the residents and to oversee their interests. I encourage the public to reach out and speak with myself and the Trustees and let us know if you are unhappy with how the village business is being handled. There are many ways to make contact with us – during public comment time at the meetings, forms are available for questions and concerns, email, phone calls or in my case, I also welcome you to stop by my home at 301 West John Street and we can have a face to face conversation.