

NEWBERRY WATER & LIGHT BOARD  
REGULAR MEETING MINUTES  
May 14, 2019

**Present:** Board members: Vincent, Brown, Dishaw, Medelis, Wendt.

**Absent:** None.

**Also Present:** Clerk -Schummer, Village Manger – James-Mesloh, Assistant Village Manager –Buck Vallad, Lori Stokes.

**Call to Order:** Chairperson Vincent called the meeting to order at 5:30 p.m. at the Village of Newberry Offices, 302 East McMillan Avenue, followed by the Pledge of Allegiance.

**Approval of Agenda:** Moved by Medelis, support by Brown, **CARRIED**, to approve agenda as presented. Ayes: All.

**Approval of Minutes:** Moved by Brown, support by Dishaw, **CARRIED**, to approve minutes from the April 9, 2019 W&L meeting as written. Ayes: All.

**Water and Light Chairperson Announcements:** Vincent thanked Kirby Wendt for serving on the W&L Board. Vincent stated the following: “During the March Public Comment, a comment and question was made about the agenda for the WL Board meeting not being published on the Village website by the Friday before the meeting. The question was to the why it wasn’t published at that time. Before I answer the question, a little history about agenda and packet publishing on the Village website. Agendas and packets were first published on the Village website in 2017, when our current Village Manager began her tenure at the Village of Newberry. Before that time, agendas were provided at the meeting. As to why the agenda wasn’t published before the meeting, it makes little to no sense to publish an agenda for a meeting before all items for the meeting are set. The Consumer’s bill had not reached the Village offices before the Friday before the WL Board meeting. As has been done in the past, when an internet published agenda is different than the meeting agenda at the time of the meeting, certain members of the public take to the internet to make inflammatory statements of hiding something or trying to get away with something nefarious. It’s better to publish a set agenda when it’s appropriate than publish an agenda at some preset time before a meeting that may and in many cases change due to any variety of reasons. The Open Meetings Act of Michigan, PA 267, does not require that an agenda be published before the scheduled meeting time. Again, publishing an agenda before the meeting could lead to confusion and has led to past accusations of wrongdoing, although there has been no specificity in the accusations, just vague shadowy goings on. What this comes down to, is the word, “agenda.” An agenda that a public body uses to conduct the meeting is the list of items that the public body wants to accomplish during the meeting. Some of the items are required under the OMA, such as approving minutes, and calling for a closed session during a public meeting. There are some items that are voted upon and require a simple or super majority. Some items cannot be accomplished at the meeting due to lack of information or time, so are tabled or dropped. But others use the word agenda to mean a personal agenda. And almost invariably, the term agenda in this manner is used negatively. As it relates to recent history, it also means that there are those who feel that there is some disreputable backdoor agenda that is really guiding what is happening with various village boards. It is conspiracy theory run amok. There is no secret agenda done behind closed doors. There are no secret meetings. But that won’t stop those who only care to sow chaos. It is those individuals and groups with the agenda to throw verbal and written monkey wrenches and grenades, and hide behind anonymity that are harming progress in Newberry. They make broad, sweeping statements that cannot be verified, thereby feeding into the conspiracy theories that others believe. Or worse, make personal attacks without any facts, and then walk away, absconding themselves from any personal liability while others take up the fight for falsehood. Those that support this agenda have been hoodwinked into believing something that isn’t true. What is behind these attacks? Revenge. They want revenge because they feel they were treated unfairly. Revenge is for children. How does revenge help Newberry attract business? How does revenge make this government work? How does revenge make sure the streets clear of snow and the power from going out? Revenge does nothing. Ultimately, this revenge agenda could lead to the downfall of Newberry, an actual stated outcome of this group. And at every point, they wash their hands of any responsibility for their actions. They make problems that don’t exist, in order to take credit when the problem that never actually existed in the first place, goes away. With this revenge agenda, Newberry has come to a standstill. Things cannot get accomplished for the long term like it should. If you follow this group of people, ask yourself this question: What is their motivation behind their decisions? You can tell a moral decision because it is made without self-interest. It is made in the interest of others. These people are making only decisions in their own self-interest. Ask them. The agenda that should be followed is very simple and is probably the agenda of most people, including the people

that I know here that enter public service: Leave it better than when you found it. We should be concentrating our efforts so that the kindergartner today, when they graduate, wants to live here and contribute to our great community. Newberry has so much potential, so much talent, and so many great people that just want things to be better. Let's be who we can be."

**Public Comments on Agenda Items:** None.

**Submission of Bills and Financial Updates:**

- A.) **Water & Light – Monthly Bills – April 2019** - Motion by Medelis, support by Brown, **CARRIED**, recommend Village Council pay the April Electric Fund bill in the amount of \$110,426.61. Discussion followed. Dishaw objected to paying legal fees, \$7,600.18, for the Stokes matter, because the W&L Board didn't have any say in the arbitration process. Ayes: All. Motion by Brown, support by Medelis, **CARRIED**, recommend Village Council pay the April Water Fund bill in the amount of \$9,5313.12. Discussion followed. Ayes: All.
- B.) **Christmas Light Fund** is currently at \$12,225.22. Wendt questioned whether the Christmas light fund should have it's own checkbook to pay bills. Discussion followed.

**Petitions and Communications:** None.

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

**Reports of Village Management:**

- 1.) Superintendent of Water and Light: Joe Lively, working foreman, submitted a written report.
- 2.) Assistant Village Manager: Vallad gave a verbal report as well as submitting charts for review.
- 3.) Village Manager: James-Mesloh gave a verbal as well as written report.

**Unfinished Business:**

- 1.) Budget Amendments 2019: Moved by Dishaw, support by Brown, **CARRIED**, move to approve the 2019 Budget Amendments for Water and Electric Funds as presented. Discussion followed. Ayes: All.

**New Business:**

- 1.) Joint Committee between WL Board and Council – Ordinances & Policies.
  - a. Medelis presented a letter, dated July 27, 2001, from the Village to Richard King regarding Ordinance A:4:4. Discussion followed. Board Action: to request legal opinion on right-of-refusal for utility service.
  - b. Dishaw stated he would like W&L to adopt a policy that we have an annual rate increase based on the cost living using Social Security index. Moved by Dishaw, support by Medelis, **WITHDRAWN**, to recommend to Village Council increase all utilities by 2%. Discussion followed. Motion withdrawn until more information is gathered for Board Members to consider.
  - c. Vincent stated that he would like to have a joint W&L and Village Council Committee to look at and update W&L ordinances and policies.

**Comments By Board Members:** Medelis stated he thought there should be an Enterprising Fund Board instead of the W&L Board. Dishaw stated he felt W&L should have it's own attorney. Vallad stated that a local attorney would be a good idea for small cases.

**Adjourn Meeting:** Motion by Medelis, support by Dishaw, **CARRIED**, to adjourn meeting at 6:46 p.m. Ayes: All.

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

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Terese Schummer, Clerk

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Lawrence Vincent, Chairperson