

Newberry Village Council
Regular Meeting Minutes
September 15, 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: Freese, Hardenbrook, Hendrickson, Puckett.

Absent: Cameron.

Also Present: Interim Village Manager/Director of Human Resources & Community Engagement – Watkins, Clerk – Schummer, Sterling McGinn, Village Attorney - Jocks.

Call to Order: President Stokes called the meeting to order at 6:02 p.m. via Zoom.

Approval of Agenda: Moved by Puckett, support by Hendrickson, **CARRIED**, to approve the agenda with one correction. Ayes: Stokes, Freese, Hardenbrook, Hendrickson, Puckett. Absent: Cameron.

Meeting with legal counsel regarding Pentland Litigation Update:

Move into closed session at 6:06 p.m.: Moved by Puckett, support by Freese, **CARRIED**, move that Council enter 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: Stokes, Freese, Hardenbrook, Hendrickson, Puckett. Absent: Cameron.

Motion to exit closed session at 6:31 p.m.: Moved by Hendrickson, support by Freese, **CARRIED**, move that Council exit closed session wherein Council discussed with the Village's attorney the update regarding Pentland Litigation, 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, Freese, Hardenbrook, Hendrickson, Puckett. Absent: Cameron.

Council Action: Moved by Freese, support by Hendrickson, **CARRIED**, to approve the Franchise Agreement with Pentland Township as presented. Ayes: Stokes, Freese, Hardenbrook, Hendrickson, Puckett. Absent: Cameron.

Minutes: Moved by Hendrickson, support by Freese, **CARRIED**, to approve the minutes from the August 18, 2020 regular meeting as written. Ayes: Stokes, Freese, Hardenbrook, Hendrickson. Absent: Cameron Abstain: 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 Hendrickson, support by Puckett, **CARRIED**, to approve payment of the August 15, 2020 – September 11, 2020 bills, in the amount of \$262,643.73. Ayes: Stokes, Freese, Hardenbrook, Hendrickson, Puckett. Absent: Cameron.
- 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 August 8, 2020 – September 4, 2020, in the total amount of \$54,239.93. Ayes: Stokes, Freese, Hardenbrook, Hendrickson, Puckett. Absent: Cameron.
- C.) **Christmas Lights Fund** – as of 8/31/2020 - \$13,959.21.
- D.) **Treasurer's Report:**
 - a.) August 2020 – N. Moulton submitted 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 Hardenbrook, **CARRIED**, to pay Request #26 – 08/01/2020 to 08/31/2020 – C2AE invoice #70240 for \$2,471.17. Ayes: Stokes, Freese, Hardenbrook, Hendrickson, Puckett. Absent: Cameron.

Petitions and Communications: None.

Introduction and Adoption of Ordinances and Resolutions: None

Unfinished Business:

- 1.) 2018 Audit: Received a letter dated Aug. 24, 2020 from Michigan Department of Treasury, regarding the Deficit Elimination Plan approval. Informational. Watkins gave a verbal report.
- 2.) 2019 Audit: Received a letter dated September 2, 2020 from Department of Treasury, regarding the approval of extension request for the Audit and F65 reports until September 30, 2020. Informational. Watkins gave a report.
- 3.) 2020 Audit Contract Discussion: Moved by Hardenbrook, support by Hendrickson, **CARRIED**, to remain with the Michigan Department of Treasury for the 2020 audit. Discussion followed. Ayes: Stokes, Freese, Hardenbrook, Hendrickson. Nays: Puckett. Absent: Cameron.
- 4.) Utility Limbing: Moved by Freese, support by Puckett, **CARRIED**, to give legal authority to the Interim Village Manager to negotiate and sign contract with Trees, LLC for services listed in the RFP and to make day to day decisions for the project within guidelines of the contract and RFP package. Discussion followed. Ayes: Stokes, Freese, Hardenbrook, Hendrickson, Puckett. Absent: Cameron.
- 5.) Village of Newberry Surplus Auction: Moved by Hendrickson, support by Freese, **CARRIED**, to approve the items on the Village auction list which will be presented to the public for auction, tentatively set for October 7th and 8th. Discussion followed. Ayes: Stokes, Freese, Hardenbrook, Hendrickson, Puckett. Absent: Cameron.
- 6.) New Maintenance Building: Watkins gave an update on the new maintenance building.
- 7.) Public Comment Follow-Up: None needed.

New Business:

- 1.) Coronavirus Relief Local Government Grants (CRLGG) Program: Moved by Freese, support by Hardenbrook, **CARRIED**, to accept \$16,864.00 in grant funds from the Coronavirus Relief Local Government Grants Program. Discussion followed. Ayes: Stokes, Freese, Hardenbrook, Hendrickson, Puckett. Absent: Cameron.
- 2.) Water & Light Board Seats: Watkins reminded Council of the two W&L Board seats up for re-appointment October 20th.

Reports of Boards:

- 1.) Water & Light Board: Minutes provided from the August 11, 2020 and September 8, 2020 meetings. Freese gave a report.
- 2.) Planning Commission Meeting: Minutes provided from the August 24, 2020 meeting. Watkins gave a report and stated there is still an open seat on the Planning Commission.

Committee Reports:

- 1.) Ordinance Committee: September 3, 2020, meeting minutes provided. Stokes gave a verbal report.
- 2.) Management Committee: Meeting was moved to September 17, 2020.

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 Working Superintendent Kucinkas. Watkins gave a verbal report. Discussion followed.
- D.) Interim Village Manager/Director of Human Resources & Community Engagement: Watkins gave a verbal as well as written report. Moved by Puckett, support by Freese, **CARRIED**, to approve Interim Manager Watkins leave requests. Ayes: Stokes, Freese, Hardenbrook, Hendrickson, Puckett. Absent: Cameron.

Public Comment: None.

Comments by Council Members: Comments heard from Hendrickson and Puckett.

Adjourn Meeting: Moved by Puckett, support by Hardenbrook, **CARRIED**, to adjourn the meeting at 7:48 p.m. Ayes: Stokes, Freese, Hardenbrook, Hendrickson, Puckett. Absent: Cameron.

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

Terese Schummer, Clerk

Lori A. Stokes, Village President