

Newberry Village Council
Regular Meeting Minutes
December 17, 2018
302 East McMillan Ave.
6:00 p.m.

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

Absent: None.

Also Present: Assistant Village Manager – Vallad, Superintendent WWTP - Blakely, Ordinance Enforcement Officer – Fossitt, Director of Human Resources & Community Engagement - Watkins, Clerk – Schummer, Treasurer - Medelis, Gary Moulton, Ken Stokes, Sterling McGinn, Rebecca Handa, Don Ratliff, Catherin Freese, Bruce Lane, Carolyn Martindale, Jean Simi, Scott Ouellette, Michelle and Tim Baynton, Eric Buckler.

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 Hendrickson, support by Hardenbrook, **CARRIED**, to approve the agenda with the following addition and changes: Add to Unfinished Business - Trustee vacancy due to the expiration of the term, and move Public Hearing to after Approval of Agenda and move New Business #'s 3 & 4 to #8 Public Hearing. Ayes: Stokes, Brown, Dishaw, Hardenbrook, Hendrickson. Nays: Hitts.

Close Regular Meeting: Moved by Hendrickson, support by Brown, **CARRIED**, to close the Regular Council meeting to go into the Public Hearing. Roll call vote - Ayes: Stokes, Brown, Dishaw, Hardenbrook, Hendrickson, Hitts. Moved by Dishaw, support by Hendrickson, **CARRIED**, to open the Public Hearing to hear public comment on the 2019 budget at 6:10 p.m. (Public Hearing minutes recorded separately)

Reopen Regular Meeting: Moved by Brown, support by Hitts, **CARRIED**, to reopen the regular Village Council meeting at 6:27 p.m. Ayes: All.

New Business:

3) Deliberation on Public Comments During Public Hearing. To answer a question posed during the Budget Public Hearing regarding how much input or time was spent by each member of the Council on the budget. Stokes stated she had no input into the budget. Dishaw also stated because he was not on the Budget Committee he had no input. Brown stated she reviewed it and asked questions about it. Hitts had no input. Hardenbrook reviewed it and came into the offices and asked questions and Hendrickson reviewed it and feels we have professional people guiding us with the budget. Brown stated the Council has been constantly updated during the process of drawing-up the budget. Brown was interrupted several times by several public members while trying to explain the budget process. Village employees, Gary Moulton, Buck Vallad and Allison Watkins, who were involved with putting the budget together, addressed questions regarding the budget. A lengthy discussion was held. Brown reported that the Water and Light Board recommended that Council adopt this budget.

4) Take Action Regarding Recommendation of the Budget for Adoption.

a.) 2019 Budget Resolution: Moved by Dishaw, support by Brown, **CARRIED**, to adopt the 2019 Budget Resolution. Roll call vote: Ayes: Brown, Dishaw, Hardenbrook, Hendrickson, Hitts. Nays: Stokes.

Meeting recessed at call of the chair at 7:32 p.m.

Meeting resumed at call of the chair at 7:41 p.m.

Minutes: Moved by Hardenbrook, support by Dishaw, **CARRIED**, to approve the November 19, 2018, regular session minutes with one correction and one addition. Remove Hitts from being present as a Trustee and add under Village Reports - note that the snow removal ordinance was discussed, that snow should remain on the residence own property. Ayes: Brown, Dishaw, Hardenbrook, Hendrickson, Hitts. Abstain: Stokes.

Village President's Announcements: President Stokes read a statement. She apologized to the public present that they did not have a copy of the budget. She stated that the Council committees would meet more

often as recommended by the Village attorney. She also stated, per recommendation of the Village attorney, that in the future she will recuse herself from discussion or votes on her arbitration hearing and or Village Manager issues of management rights.

Trustee Appointment: Moved by Dishaw, support by Hardenbrook, **CARRIED**, to appoint Catherine Freese to the Village Council. Discussion followed. Ayes: Stokes, Brown, Dishaw, Hardenbrook, Hendrickson. Nays: Hitts. Catherine Freese was administered the oath of office by Clerk Schummer.

Public Comments on Agenda Items: Scott Ouellette – Newberry, Chuck Pipes – Newberry, Eric Buckler – Newberry, Terese Schummer – W. Truman, Charles Medelis – E. McMillan.

Submission of Bills and Financial Updates:

- 1.) Village of Newberry – Monthly Bills. Moved by Hendrickson, support by Freese, **CARRIED**, to approve the November 2018 bills as presented, in the amount of \$73,836.10. Discussion followed. Ayes: All.
- 2.) Water & Light monthly bills for November 2018: Moved by Brown, support by Hitts, **CARRIED**, to accept the recommendation of the W&L Board to pay the November Electric and Water Funds in the total amount of \$109,717.47. Discussion followed. Ayes: All.
- 3.) Christmas Lights Fund – as of 11/30/18 - \$14,510.23.
- 4.) Treasurer’s Report – November 2018 – Treasurer Medelis gave the report. The Council accepted the report as presented.
- 5.) Request for Disbursement of Funds – Drinking Water Revolving Fund and Clean Water State Revolving Funds. Moved by Dishaw, support by Hendrickson, **CARRIED**, to approve payment of request #30, Ginnever Electric Invoice #2069, in the amount of \$3,391.36. Discussion followed. Ayes: All.
- 6.) Request for Disbursement of Funds – Stormwater/Asset Management/Wastewater (SAW) Grant Program. Moved by Hendrickson, support by Hardenbrook, **CARRIED**, to approve payment of Request #8, which includes November 30, 2018, C2AE Invoice #67217: \$6,860.12, C2AE Invoice #67218: \$893.30. Ayes: All.

Petitions and Communications:

- 1.) Letter from Jay Zelenock, Attorney, dated November 21, 2018.
- 2.) Letter from Jay Zelenock, Attorney, dated December 6, 2018. Stokes recused herself from discussion of the letters from Zelenock. Brown – President Pro-tem presided over the meeting during this discussion. Members of the audience interrupted council members in their discussion numerous times, becoming argumentative, and making it difficult for deliberation. Dishaw leaves meeting at this time, 8:43 p.m. Brown stated it is the Council’s job to protect the Village from lawsuits that could cost the Village millions of dollars and that the Council is taking it very seriously, that there are a lot of implications and that the Council needs to take the advice of the Village attorney otherwise we are exposing the Village to risk.

Moved by Brown, support by Hendrickson, **CARRIED**, move that we accept the November 2, 2018 and December 6, 2018 letters from Mr. Zelenock, as an employee complaint, and that we appoint a Village Council member to assist in the investigation of the complaint. A lengthy discussion followed. It was decided the Council as a whole would choose the independent attorney and would direct Assistant Manager Vallad who to hire said attorney. Ayes: Brown, Freese, Hardenbrook, Hendrickson, Hitts. Absent: Dishaw. Recuse: Stokes.

Moved by Brown, support by Hendrickson, **CARRIED**, That Council member Lew Hitts be identified as the Council person to assist in the investigation of the complaint. A lengthy discussion followed. Ayes: Brown, Freese, Hardenbrook, Hendrickson, Hitts. Absent: Dishaw. Recuse: Stokes. Another point discussed was the interaction between the Council and the Village Manager and overlaps with the question of Village Manager oversight and employee management. The Village Manager’s attorney recommended that the Council form a committee, similar to a go between, between the Village President and the Manager. The Village attorney felt that this was not necessary. The Village Manager Ordinance clearly states that the Manager does all employee management and interacts with Council at these public meetings. It was decided to make the following statement, to express the Council’s expectations of behavior for the interim, until things are settled: “We, as a Council, agree that we expect the current situation to remain the same until questions can be answered, whether we choose to look

at the Ordinance, whether we want to wait for the findings, but that we expect there will be no direct contact between the Village Manager and the Village President or any Council member, unless it's at a public meeting." More discussion followed.

President Stokes retakes control of the meeting.

- 3.) Letter from Beverly A. Holmes, dated December 10, 2018. Discussion followed. Ms. Watkins will send a letter to Mrs. Holmes to again explain what steps have been taken to resolve her issue.
- 4.) Letter from Larry Vincent, Chair of Water & Light Board, dated December 14, 2018

Introduction and Adoption of Ordinances and Resolutions:

- 1.) Resolution: SAW Grant Change of Signatory: Moved by Brown, support by Hitts, **CARRIED**, to by resolution we change the SAW Grant Agreement Authorized Representative from John DeWitt to Lori A. Stokes. Roll call vote. Ayes: Stokes, Brown, Freese, Hardenbrook, Hendrickson, Hitts. Absent: Dishaw.
- 2.) Resolution: SRF Grant Change of Signatory: Moved by Hendrickson, support by Brown, **CARRIED**, that the Village of Newberry Changing State Revolving Funds (SRF) Agreement Authorized Representative Resolution be adopted, to remove John DeWitt and name Lori A. Stokes, as Village President, the designated authorized representative for all activities associated with the project referenced above. Roll call vote: Ayes: Stokes, Brown, Freese, Hardenbrook, Hendrickson, Hitts. Absent: Dishaw.
- 3.) Review Resolution: 2019 Budget Adoption: Discussed prior in the meeting.

Reports of Boards:

- 1.) Water & Light Board Meeting from Tuesday, December 11, 2018: Brown gave the report.
- 2.) Planning Commission Meeting: Cancelled.

Reports of Village Officers and Management:

- A.) Fire Chief: None.
- B.) Ordinance Enforcement Officer: None.
- C.) Director of Human Resources & Community Engagement: Watkins gave a verbal as well as a written report. FOIA update report presented.
- D.) Superintendent of Wastewater Treatment Plant: Blakely gave a verbal as well as a written report.
- E.) Superintendent of Water & Light: Joe Lively – Working Foremen, submitted a written report. Vallad gave a verbal report.
- F.) Assistant Village Manager: Vallad gave a verbal report and presented charts.
- G.) Superintendent of Parks and Recreation: None.
- H.) Village Manager: None.

Committee Reports: None.

Unfinished Business: Trustee Vacancy, due to the expiration of term: Regarding questions as to whether the appointment of Lewis Hitts at the November 19, 2018 regular Village Council meeting was valid. A memo received from the Village attorney clarified the matter and stated appointment was valid.

New Business:

- 1.) Adding Sergeant of Arms Based on Roberts Rules of Order: It was decided that the Ordinance Committee should address this matter.

Public Comment: Comments were heard from: Chuck Pipes –Newberry, Terese Schummer – W. Truman, Scott Ouellette - Newberry.

Comments by Council Members: Comments heard from the following Trustees: Brown, Hardenbrook and Freese.

Adjourn Meeting: Moved by Hardenbrook, support by Brown, **CARRIED**, to adjourn the meeting at 9:58 p.m. Ayes: All. Absent: Dishaw.

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