

Village of Byron
Regular Council Meeting Minutes
August 10, 2015

Meeting called to order at: 7:01 pm by President Brunell

Pledge of Allegiance Led By: President Brunell

Roll Call – Present: Miller, Prestonise, Bessenbacher, Berecz, Cole, Orr, and Brunell
Others Present: Vicki Murphy, Patsy Morse, Jeremy Root, Rob Vandemark, John Gormley and others.

Approval of Minutes: Approval of RM July 13, 2015 and SM July 28, 2015: Cole motioned to approved the RM minutes from July 13, 2015 and the SM minutes from July 28, 2015; seconded by Berecz....When Brunell asked if any discussion Miller responded and said he had an issue with July 13, 2015 minutes. The part about the Cemetery where is says there was much discussion about the resignation of Misner and Brunell had documentation to discredit his claims in his letter; I have not seen any documentation – can you present it to me? Brunell said it is in the office and the folder is at home. I presented it the night of the meeting. Miller said no what you had was your opinion.....Brunell said no I had people....Miller that's not documentation...Brunell said I had call logs and I will get them for you. Any further discussion...all those in favor of approving the minutes for July 13 and July 28, 2015 say aye-Voice Vote: Cole, Berecz, and Brunell-Opposed say nay: Miller, Bessenbacher, Orr, and Prestonise. Motion Turned Down. Cole motioned to pass the SM July 28, 2015 minutes; seconded by Miller: Voice Vote-Ayes-Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. Passed. Miller motioned to approve the RM July 13, 2015 minutes deleting the entire cemetery report. Amended motion is the same but adds: presented by President Brunell; seconded by Berecz. Voice Vote: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. Passed.

Approval of Agenda: Miller said he would like to amend the agenda by adding the unauthorized promotion of Office Crooks. Brunell asked where he would like to put it and Miller responded I would like to put above police department as letter A. Prestonise said I would like to put after I (changed to J after moving down one letter), letter K-Bob Delaney and one more (letter L) the locked doors and the moving of folders. Motion to approve the amended agenda items, moving everything down one letter, unauthorized promotion of Officer Crooks (A), Bob Delaney (K), and locked doors and moving of folders (L) by Miller; seconded by Prestonise. Voice Vote: All Ayes: Miller, Prestonise, Bessenbacher, Berecz, Cole, Orr, and Brunell; Passed. Public Comments on Agenda Items: Mickelson inquired about the storm drain in front of the church. Brunell said Gormley had the pictures and he will draft letter. Brunell will advise of progress. Bowers explained her problem with the parking issue in front of her business and the tenant from the apartment above the building. Reed stated that she has spoken with the apartment owner twice about the issue. Root and Keith had no comment.

Treasurers Report – Brunell explained the Cemetery Cash line and that BS&A have been working on it and the bank manager said it looks like a program issue; when corrected the report will be put in their boxes. Report to stand pending audit.

DPW - Report accepted as presented. Miller said Mike's remarks need to be kept out of the report.

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Police – Sampey thanked the council and other for the years of support. He shared the story about addressing Begole’s high school class. How proud he is of the Public Safety program that is in place with the schools including lock down with a secure time of 35 seconds. He said that he will cherish the time he spent in the Village of Byron and that it is a great community with great people. Again, thanks for the past 9 years. Brunell explained why we didn’t have the retirement badge: illegal to purchase gifts.

DDA- Vandemark explained that the entertainment tent brought in over \$900.00 for future use. September 19, 2015 we will be sponsoring the breakfast at the Mason’s. Canoe launch will start mid to late September and the WINN funds came in for the launch. Way finding signs are coming along; kids from school drew up some nice designs. We need to figure out how many and the locations. River clean up set for August 30, 2015 and it will start in the morning as long as possible; volunteers are welcome. Probably have pizza and soft drinks.

Jeremy Root- Root not much going on because of the fair. He also thanked Sampey for his years of service and for the time on the 911 board.

Committee Reports- Grounds: Brunell explained that she talked to Brian and asked about any comments he heard from the cemetery and she said that he replied that nothing happened. Brian said (in the meeting) that he made a comment, just a comment not a complaint and I just forgot about it. He thought it was about the storm drain issue when Brunell called. Miller said I brought it to Brunell’s attention because kids fish the Mill Pond and here is the DPW employee swearing, during the middle of the day. Brunell said thanks Brian for clearing that up.

Unfinished Business: A) Brunell said we had went into closed session last month on the school sewer bill issue and see where you want to go with this. Gormley said he had no new information. Miller asked Gormley if he heard anything and Gormley replied no, nothing new. Gormley also stated that the last time he had heard anything they were going to hire some expert to see if our bill was reasonable. Miller said he went to the school board meeting and talked with the president of the school board and he said that he would have to bring it up at their next month’s meeting. He couldn’t give us an answer but would put it on the agenda for this month. Brunell asked if they would be addressing it next Monday and Miller replied hopefully if he is a man of his word because he did say he would have them put it on the agenda. Brunell said we will put in on next months unfinished business. Gormley said that we might want to send a representative to the meeting. Miller said that he would try to attend and maybe he could get another council member to go. Brunell said maybe you can update us next month and Miller responded yes; tabled) Brunell moved on to the uniform issue and said Miller asked to see how much a vest would cost and I searched on the Home Depot site and the cost was \$22.00 versus spending \$7.50 on a tee shirt, that can be washed and used multiple times. So, I wanted to give you an update on that and see where you would like to go with it. Miller said his concern is in the winter we hire part time snow removal guys and they are not going to want to wear one of Mike’s tee shirts. Brunell said that if we order them we have to order a 12 minimum so there would be some to give to another person. Miller asked if they were \$7.00 a shirt and Brunell said \$7.50 and I believe that if you go to a larger size it would be \$1.00 extra. Miller said you would have to buy 12 and Brunell said yes. Miller said that would be \$84.00 and that would be \$45.00 for 2 vest that they could share. Brunell said I know we had more vest and asked Sampey if he could bring anything to light. Sampey replied that they are in the trunk of the police car. Brunell said oh that’s good and that makes it a moot point. Orr said we are near the end of the season. Brunell said I just wanted to bring you and update because you requested one.

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New Business: A) Unauthorized Promotion of Officer Crooks: Brunell said that brings us up to new business and since Miller brought it up I will turn the floor over to him. Miller asked Gormley how police officers get promoted. Gormley replied that there are 2 statutes which explain it; section 70.13 of the village act which says the council may establish a police force and may authorize the president to appoint the number of officer's expedient for the protection of the persons and property. Then in section 62.2 that the president appoints subject to approval of council. However, there is a part that states if you have an ordinance, which your records are not very clear, the chief of police can hire the officers. Miller asked so if the promotion wasn't presented to council, is the promotion legal? Gormley stated In any position where the president appoints an officer to any position, unless by statutes, council needs to approve it. Miller then asked Reed to present the minutes where council approved the promotion of Officer Crooks because I can't find them in mine. Reed said I am not aware of any minutes approving it. Miller said it has to be approved by the council and I can't find it. Brunell asked if Miller had any paper work stating that he was promoted. Miller stated that he has a newspaper article he wrote stating that he was a Lieutenant. Brunell asked Officer Crooks if he wrote a newspaper article in which Officer Crooks replied that he did not write one. Brunell thanked him. Miller started reading the newspaper article then stopped and said here is a letter from the President in which it says Dear Officer Crooks, in the absence of the Chief of Police.....Brunell asked if the letter was signed by her and Miller replied that your name is typed on it. Brunell said how you can say the letter is from me without my signature on it. Miller replied your name is on it and Brunell replied anyone could type it. Gormley asked if the officer is operating under the assumption that he is a lieutenant or not. If he is that would be incorrect without action of the council and action from the president. Miller said that it is an insult to current staffers said Lieutenant Lex Crooks, that's from the Argus Press. Brunell said to Miller: you said that Lex wrote that....did you not just say that Lex wrote that article. Miller said OK let's get technical-Lex replied to the newspaper article. Brunell said OK I have read several things in the newspaper lately that are incorrect such as coming out of trustee's mouths-such as you denying the fact that you met with our attorney; I can't understand how you can-No, you accuse me of something that you cannot prove that I have done. You have a letter that anyone could have written and does not carry my signature. Ask our Village Clerk have I ever, ever sent out a letter...Miller started talking and Brunell said I have the floor now...ask the Village Clerk if I have ever sent out a letter without signing it. Miller said you know and you don't talk to anyone... Brunell said no I don't and anyone can type a letter. Miller said OK and at this time Sampey left and Brunell said thank you Tim thank you for everything. Miller continued saying that Lex replied to the newspaper as lieutenant. Brunell said OK were you standing there and said how can you say someone replied to something when you don't know. Miller said it was in the article. Brunell said I have a question Graham have you ever misspoke in an article and Graham replied I am sure that I have and Brunell said you have misspoke or misrepresented a word or whatever it happens correct and Graham said sure. Brunell said how can you sit there and accuse people of doing something that may not necessarily be true. Miller said is Lex a lieutenant in the Byron Police Department? Brunell asked Lex if he was a lieutenant in the Byron Police Department and Lex replied no and I don't have a letter signed by you. Gormley said that really doesn't answer the question; is there someone else that promoted him and I am just trying to figure it out because the process is that the president appoints and the majority of the council have to approve for any position; whether it is the chief, hire a new officer or promote an officer. That's the process that you guys need to follow, that's what the General Village Act says. Brunell said so does that satisfy you? Miller said as long as he is not a lieutenant in the Byron Police Department. Brunell said you just answered your own question. Brunell so does that satisfy you and Miller responded yeah sure and Brunell said so we can move forward.

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B) Police Department: Brunell said OK with that being said the next one is the Police Department. It was discussed in July's meeting that the council would discuss, as a whole, what they wanted out of the Byron Police Department so that's what we're doing right now, discussing it as a whole no previous notes or anything, so who would like to have the floor first. Miller said I have a resolution here... Brunell asked who drew up the resolution and Gormley said I did and Miller responded our attorney did. Brunell asked who asked the attorney to draw up the resolution because it says here in the attorney contract that all matters of local municipal law for the Village, as determined by the Village President, Clerk, Village Treasurer, Chief of Police, BDDA President, and BDDA Clerk. So who authorized him to draw up a resolution? Gormley said I think I can answer that. When you look at the minutes from April 13, 2015 you guys invented the rules of procedure which were adopted after we adopted the contract, which states that any trustees can contact the village attorney so, you guys tell me who can or who can't. What they contacted me and said, three of them, we would like to do a motion to this affect and I told them it really doesn't belong in a motion, it belongs in a resolution. I drew up the resolution and put it under retained services and will not cost you anything extra. Because trying to do it as a motion tonight, what is it a 3 page resolution, could you imagine poor Reed trying to take down the minutes, so that is the process by which the 3 people and that's how you got your resolution. Brunell said that the newspaper said they didn't meet with you and ask you to do that. Miller said no, no, no according to general law...Brunell said that is not the updated copy...Miller continued Ok under 64.1 this is a question for trustees to ask: the president has taken on too much authority; what can be done about it. Section 64.1 and 64.2 says GLV Act addresses duties and authority of the president this is an issue that needs to be resolved internally by the entire council. So yes, we did not go to the newspaper in error and that's why in fact I was asked at the last meeting by a newspaper reporter after the meeting if this month's meeting was when the fireworks would go off for the police department and I told him that I didn't know what he was talking about. It wasn't about the resolution because there are people here in the audience that when they asked I show them the email that has Brunell's and my name on it that the attorney addressed and showed it to people didn't I. OK, I have never lied about the fact. Brunell asked if it was the email that's dated 7/24 that says attached is the draft resolution with the items that Miller asked me to cover. Miller said I got it and Brunell said I have it right here. Miller said no if he charged I would pay for it. Comments from audience: if you didn't say it why would you pay for it and Brunell called for order and to direct the chair. Miller said it is the email that Gormley sent you and I about the resolution. Brunell said July 24th and the very first line I spoke to both of you yesterday; correct I talked to him about other items and the very next line says attached is the draft resolution, with the items I believe Miller asked me to cover. Miller said OK read the rest of it. Brunell said and the items that Brunell and I discussed. Gormley asked me how many hours were budgeted for the police department that's the only question he asked me. Miller said I am not hiding the fact and Brunell said OK, well you know in village law, if you would like to pull out your village law, it says in chapter 3, the duties of village employees, the legislative authority of the village shall be vested in the council MCL 65.1; does that mean that as a village trustee you may take any action that will benefit the village, probably not. Miller said OK, so...Brunell said so going to the attorney and the papers said that you didn't discuss it with him but, now your saying that you did discuss it with him. You know we have certain committees, we have a personnel committee...comment from Bessenbacher that there is too much talking in the back and she can't hear. Brunell said I can hear just fine-we have a personnel committee is anyone having trouble hearing and audience members said yes. Brunell said we have a personnel committee that I don't believe the personnel committee addressed this issue at all regarding the police department. We also have a personnel committee that that is part of their committee duties is the police department. I found out the day well actually I found out the day before you went and had lunch with Gormley when someone

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phoned me from the deli and I heard the entire conversation between you Mr. Prestonise, a female that I could not pick out the voice, and Officer Wilburn. You guys discussed everything in that resolution that you went to Gormley the next day and asked him to draw up. Bessenbacher asked if we could hear the tape and Brunell responded nope it's with the prosecuting attorney right now (Bessenbacher chuckled at this point), Deana Finnegan. I am meeting with her Wednesday would you like to come in and chat with her also? Bessenbacher said yes and Brunell said she will be her at 1:30 and Bessenbacher said I'd love to. Brunell said So, you know I have a problem with you not sitting here as a council of the whole and discussing this before you go and bring it to the attorney to draw something up. Miller said Prestonise has asked for the council as a whole to meet...Brunell said correct in July we discussed having the council discuss it at the next regular council meeting and there was a special meeting called by you to hire the treasurer and the lawn mowing guy. That was the next special meeting we hired and we couldn't talk about it at that time. That was the day before no I am sorry 2 or 3 days before you guys met with Gormley to have this drawn up over the weekend so that no one else in the community or anyone else could know about what was going on or what was supposedly going to be acted on that day. I don't think that's fair when you're talking about guys jobs and have worked for this community for 20 years plus and one of those guys is out on medical leave right now and you want them all to lose their jobs. I don't think that's right. That should have been brought to this council and discussed at a public meeting an open meeting before it was asked to be drafted. Orr said number one he can't call a special meeting and Brunell responded he can call a special meeting, yes he can. Miller said no he can't only trustees can. Brunell said we were sitting here in the council meeting and you called a special meeting we voted on it and it was all voted, so we had the special meeting. Gormley said right he can't a special meeting; he was the mover of the motion for the special meeting. Brunell said and it was set and voted on to hold a special meeting. But, these things should be discussed at open meetings where the public has a chance to come and hear what's going on instead of behind closed doors at an attorney's lunch. Why wasn't any of the other council members invited to lunch. Gormley replied because if we had one more we would have had a quorum and it would have been illegal. Brunell said exactly. Well the paper said it was only 2 of them that went. Gormley said there were 3. Brunell said I guess papers are wrong sometimes aren't they. Miller said yup they are. I still would like to adopt this resolution. Gormley said what you have to do is move to adopt and someone has to second. Miller said I move that we adopt the resolution for government of the police department of Byron. Brunell asked if everyone has seen the resolution (at this time Miller got up and gave a copy to Cole and Berecz). Cole said he just gave it to me and I haven't had a chance to read it all yet. Brunell said OK, maybe it should be tabled until the council can read it and Gormley said nothing happens unless you get a second and Brunell said true. Prestonise said support. Brunell said moved by Miller supported by Prestonise, I don't even have a copy in front of me and Gormley asked if he had a copy for the President. Reed said is it something I am going to need because if it passes I am going to have to sign it as well. Brunell and Gormley both said yes. Brunell said moved by Miller supported by Prestonise to adopt the resolution prescribing the rules for the government of the police department of Byron; any discussion? Berecz said yes I would like a few more minutes to finish. Brunell asked if we should put this away for a few minutes to let them finish reading it and Miller replied we'll wait. Brunell said OK, let me know when you're done Berecz. After a few minutes Berecz said he was finished and Cole said she wasn't finished yet. Several minutes later Cole said she was finished and Brunell said so, any discussion. Cole said I really think we should have had more time to read this thoroughly and ponder what it did say but, we should have been appraised of it before this meeting. Brunell said I agree, I agree. For the last 6 months anything I tried to present to council, all I heard is it wasn't in our packets so we are not going to move on it tonight. Time after, time after, time anything that I would try to bring to you um and I agree I think the council members should

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have more time to digest this and bring back any questions concerning it instead of a hurry up vote let's push it through and all these guys lose their jobs. Berez said there is nothing that says they will lose their jobs and Brunell said oh yes there is. It says as soon as the next chief is chosen all officers will be terminated. Bessenbacher said it doesn't say terminated. Berez said he didn't find anything that said terminated. It says that the chief has the power to select. Gormely said it says that they will all be laid off upon the hiring of the new chief and then they can reapply for the position. Brunell said that's not the original one and Gormley said correct. Brunell said so this is a new one that's been rewritten without the council knowing? Gormley said the council didn't know about the first one Miller called me today and had the word changed to laid-off. Since it is on my computer, I am the only one who can change it. You guys have to figure out policy. I don't care but Brunell is right; the contract says only the president; you guys voted to change it to everybody; tell me who you want me to answer to and I will answer to whomever you want. But till then I am looking at the contract which says that but I am looking at 4.4 and anybody else is authorized by the council, resolution of the council. Then you have your rules of procedure book from April that says something else. Just tell me the majority of which way you want me to go; I don't care either way just tell me who I am supposed to answer to. I think Cole's interpretation is correct; adopt that resolution as it is currently presented, without changes, then when you hire the new chief, whoever the new chief is, again the President has to appoint and the majority of you have to approve that person, including the President's vote, then all the officers would be laid-off and the new chief will conduct interviews. All those officers can reapply for the job and he would make a recommendation to the president to appoint and you guys would approve the new officers. That is a summary of that current resolution as presented. Brunell said I must admit that you guys covered your rear by changing the word to laid-off because in the original one I read it said terminated. Any further discussion? Cole said I would like to table this until next month. Brunell said well we have a motion on the table and that would have to be amended. Gormley said she can make a motion to table it and you would need a second and majority vote for it to go forward. Brunell said alright, I misspoke, I make mistakes and Gormley added we all do. A question from the audience: are all the police officers part time, so this is not their livelihood. No this is just a part time job that they have and they are all doing a good job. Brunell said they are doing it because they love this community and the audience member said I said they all do a good job and I appreciate that but it is not their livelihood. Officer Crooks said it's my livelihood and audience member said it is all part time and Officer Crooks said no this is my livelihood and Brunell said order please, order please Cole you have the floor. Cole said I guess nobody is going to second the motion and Brunell said you have to make the motion and Cole said but I will make the motion to table it until next month and I would like to hear more input from the citizens of this community. Brunell asked do we have a second and Gormley said you can second it because you are a member of this council. Brunell said then I'll second it. Motion on the table by Cole second by Brunell to table the adoption of the resolution till the September meeting so we; then asked Cole to restate the last part, so we have more time and would like to hear from the community. Any further discussion, no response, Ok with no further discussion roll call please. Reed called out to the council members: Ayes- Berez, Cole, and Brunell. Nays- Orr, Miller, Bessenbacher, and Prestonise. Motion turned down. Gormley said the original resolution still stands, so you guys can keep the original resolution, purpose amendments to the original resolution then depending how the amendments come out you can call to question on the resolution. And if nobody wants amendments on the resolution you can call to question on the resolution depending what you want to get done today. Brunell said OK any further discussion on the original motion? Berez said you said we could change...and Gormley replied you can purpose amendments to the resolution. Berez said he would like to see something different in the lay-off because we have an established force at this time we just don't have a leader. We could hire a chief to

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come in I think it should be his responsibility to sit down and determine what he has to work with to put in whatever hours needed and go from there. Why should we spend money on unemployment? Miller said I don't think they can draw unemployment, so they can't draw unemployment. Berez said we have had instances in the past where all of a sudden we got sued over something like this. Reed said they can collect unemployment as part time. Someone from the audience said it is called underemployment. Reed said yes and Gormley said there is a formula for it and I don't pretend to understand it but I suspect based on the total number of hours worked, it wouldn't be a lot like a normal unemployment check but there might be a small percentage of that check that they can get. Reed said the only reason I know this for a fact is my last job when they started doing cut backs that was the first that went, our part timers or our temporary part timers, and that's what they collected. Brunell said alright Berez, I just want to make sure I have this correct; you want to amend 4.1 to allow the new chief, whomever that is, to work with the current force ...Berez said without interruption because we still need service here in the community...Brunell said absolutely. Berez can't just abolish and dump it. Miller said this wouldn't dump it. Berez said it says they would be laid-off and the resources we have we would no longer have, we would only have the chief and then he tries to get the officers to fit the into the time slots we laid forth. OK if for some reason they don't we will have to deal with it at that point and time. I think we should not have an interrupted service until we have a chief, which could be next week or next month going through the process. So, I think we need to keep what resources we have in place. As far as officers and rank or whatever, I not to change the subject, there is no lieutenant, but we do have a sergeant, do we not? Brunell said well, when he comes to work. Berez said but I mean we do and Brunell responded we do. Berez said I guess that would be a starting place until we get a chief who can assume those responsibilities and if we don't it would be up to Brunell to pick someone else to do that and bring it to the council so we have this person fill in until we get a chief. That's all I am changing is the lay-off part. Gormley said how do you want to phrase that; my suggestion is if you want to vote on something you need to phrase it somehow to make a clear a motion. Berez said OK and Brunell said Berez this is what I have; amend to allow the new chief to work with the current force without interruption to service and Berez said that will work. Brunell said OK, I also have a bit of issue with 3.1, 3.2, and 3.3. I am going to pass this around to you, this all of the calls for the last 12 months that have been dispatched regarding Byron and probably 90% of those calls have been after 2 am in the morning and I think you proposed in your original...Gormley said Sunday through Thursday 10 am to midnight and Friday and Saturday 10am to 2 am Brunell said right, you know I have a degree in Criminal Justice, I have a degree in Police Administration, OK I have a degree in Crime Mapping that was one of my classes, 4.0, graduated with honors. You cannot say when crime is going to happen and the majority of your crimes happen late in the evenings, Officer Begole ...Begole said Sargent and Brunell said Ok Sargent Begole, please reiterate if I am incorrect, the majority of your crimes happen late evening, early mornings and on the weekends. You're not going to have a criminal that's going to commit a crime oh let's see its 1:30 on a Wednesday I am going to rob a bank, no they are going to come in late at night. Other crime statistics generally show later evenings, early in the mornings. Sargent Begole said crime occurs at all hours and Brunell said correct so, you can't really put a date stamp and time on when you're going to need an officer here and you can't say that we're going to have officers here Thursday thru Sunday from 4 pm until 2 am in the morning, cause you know what that is the last time that anything is going to happen here in Byron. You cannot put a time limit on when you need officers in here. You know the kids come out of the streets and go down by my house and they jump and see if a car is parked in this driveway and they know if a car is in that driveway they don't anything. The time that they do things is when there is no car in this driveway. So, putting a time limit on when your police force should be here, quite frankly, I am sorry, is pretty idiotic. Gormley said just so we're clear, the

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resolution, they're proposing, says the chief shall strive to have officers between the following hours. It does not say he can't staff them on other hours, these are the hours you should strive to staff them. Brunell said oh, that must have been changed to because that's not what I read in the original resolution. Gormley said I didn't change it. Berez said can we use it as a guide line to try and fill those spaces? Brunell said that doesn't work Berez said we will go the other way and Brunell said right and you can't really tell a police officer that at 2 o'clock punch out, because you know he may take a call at 1:58 and it's a CSC (criminal sexual conduct) and they have to take a report and they have to do this and have to do that. They are not going to leave their shift until they're done with everything. And then they're going to get yelled at because they didn't punch out at 2 o'clock, you guys have done this before. People are here at a certain time and it's because they are doing what they do as a police officer. So, we have a motion on the table to amend, correct, by Berez, anything else any other discussion. Gormley said if we are going to amend 4.1 to say what Berez said, shouldn't we strike 4.2, 4.3 and all of 5? If they are not laid-off we need to strike 4.2, 4.3 and 5, because you won't need new officers because you won't be laying any off. It's Berez's motion but I am just suggesting that's what would be included in the motion. Berez said I would like to amend 4.1, 4.2, 4.3, 5.1, and 5.2. Brunell said thank you sir, is there anything else? Gormley said was there a second on Berez. Cole said I'll second that. Brunell said we have a motion on the table by Berez supported by Cole, to amend 4.1 to allow the new chief to work with the current force without interruption of service. We are striking 4.2, 4.3, and all of 5. Brunell any further discussion? Cole asked are we striking 4.1? Brunell and Gormley said we are amending 4.1 and Cole said Ok. Gormley said maybe we should just strike 4.1 and add 4. Brunell said so, strike 4.1 and add 4 which is to allow the new chief to work with the current force without interruption in service. Also, striking all of 5, any further discussion? No discussion heard, let' do a roll call. Ayes-Berez, Cole, and Brunell. Nays- Miller, Bessenbacher, Prestonise, and Orr: Motion turned down. Brunell said so we are back to square one. Gormley said so you guys are clear, if you adopt this resolution tonight, besides the whole issue we're debating, you will accept applications for a new chief thru August 31 and at some point, the next meeting or a special meeting, interview those officers that have applied and then the president can listen to what you have to say but, ultimately she will nominate whomever she chooses and a majority must confirm that person before you have a new chief. I don't know what's going to happen tonight but, you better figure out who is going to run the department until that happens. Fair enough. Miller said when the chief was missing we made Wilburn the chief so, if he was good enough for the position when Chief was being fired, that should be good enough until we get another chief. Brunell said just to note that Wilburn never took on the responsibilities of the chief whatsoever. I never received schedule one; I didn't receive anything with the exception of one report that consisted of 3 lines typed on a sheet. He did not assume the responsibilities of the department, in fact he told me, because there was a question regarding Lexis Nexis reports, he in fact told me that we were not required to do the Lexis Nexis because they weren't our jurisdiction. Having that being said I contacted Lexis Nexis and absolutely they had to be done. We had a lady so up at the back door from the government reporting about 2 months ago, inquiring why we are not reporting to the federal government when these reports are being sent to the police department. So, Wilburn did not do the duties of the police department whatsoever...Miller said this is the first we are hearing and Brunell said no I've been telling you this for months. That the Lexis Nexis reports have not been done, no dailies written in the department with the exception of one officer; Officer Crooks filed a false claim with the department of wage and labor...Officer Crooks said not me and Brunell said I am sorry, I am sorry, Officer Wilburn filed a false complaint with the department of wage and labor, regarding his pay check, and never rescinded that complaint after being paid what he was owed. I've been coming to you guys for months telling you this...that's why I brought the original...Miller said he filed a false report. So Matt, the

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lawn mower guy, Cemetery mower filed the same complaint about not being paid. Brunell asked when he filed, he never filed. Miller said yes he did and Brunell asked Reed if we ever received anything. Reed said I have never been notified and I will say that I did not receive a letter about Wilburn; I received a call directly from them asking why I had not responded to this complaint. I explained that I had not received a complaint and she explained that he said we refused to give him his pay. I said no mam, I did not refuse to pay him, I asked for a copy of his dailies because he had not punched out on his card and he refused to give it to me. Brunell said we have FOIA requested that complaint to give to council. Reed continued I also requested a time sheet from Chief Sampey that I have never received. Brunell said which was part of the insubordination situation with Sampey. Miller said I still think he was temporary chief back in April and I think that is good enough. Brunell said I don't remember that can you read it to me. Miller replied Wilburn will act as temporary Chief and it's your call and Brunell asked if anyone had any questions. Berez said we should appoint Wilburn as Chief and Brunell said only temporary... Gormley said I explained the appointment process which is the same process I am telling you tonight; nobody made the motion because ultimately you decided not to terminate the Chief. That was the recommendation from the president...Gormely and Brunell said terminate the Chief. Miller said that was my statement, if he was good enough to fill in when Chief was going to be fired he'd be good enough now and that's just my opinion. Brunell said we never made him, you said we made him the acting chief and we didn't. Back in January, might have been December, I had a correspondence from the Chief and he stated that Officer Wilburn would be in charge of the department at that time until he could return from whatever he was doing and I asked for clarification as to what duties Officer Wilburn would be doing and the reply was: schedule, reports and I don't have it in front of me but there were about 11 things he was supposed to be doing and he never assumed those duties, never took over those duties. So, I don't know why you would want to put someone in charge that didn't take charge of it when he was supposed to. I will not put someone in charge that way. I am not going to fall back into the same situation we were at before where we never knew where the Chief was; the guys could never get a hold of him and he wouldn't answer their text, emails or phone calls and he wouldn't answer my text, phone calls or emails. He would never send in reports and I am not going back into that situation. That is why we're here today where we are at. So, I am sorry that is just how I feel about it. Miller said isn't there a motion on the table to accept the resolution as written. Was it seconded? Brunell said no and Prestonise said I'll second it. Brunell said Ok, Prestonise. Any further discussion, roll call please. Ayes-Miller, Bessenbacher, Prestonise, Orr, and Berez. Nays-Cole and Brunell; resolution passed. **C)**

Treasurer Position Update: Brunell said at the July 8, 2015 meeting the council approved to hire Mrs. Ketchum at \$10.00 per hour and she said that day she would get back to council as to whether she would accept that and I discussed with Mrs. Ketchum 2 days after that, after she cleared her security clearance with background checks, and she said she would not accept the position at \$10.00 per hour. She stated that this is a specialty position and I agree with her; it's an accounting position with taxes information that's required, be in charge of tax rolls, the Village's money basically. So, I told her the only thing I could do was come back to the council and present something to them and I asked her specifically what she would feel comfortable with, so I could have something to go to council with and she stated that she would feel comfortable with \$12.00 per hour possibly to be reviewed in a year, which is what we talked about for all of the employees, a review process. So, I recommend that we offer Mrs. Ketchum the position at \$12.00 per hour so we can bring her in and get working. Prestonise asked at 10 hours and Brunell said 10 hours she would work the resolution 10-3 on Tuesdays and Wednesdays. Reed said the actual resolution says 10-4 and Brunell said that's because we had Tykoski at 12 hours per week and we will have to amend that. Bessenbacher said I think she said she wants nights. Brunell said she said she was Ok with the hours. Miller asked if we would have to amend the resolution first because it is at 12

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hours and \$15.00 per hour. Gormley said if you guys want to adjust, if you move to approve that, I can prepare the resolution for the next meeting just to clarify it, if you want it. We know where you are going this is short and easy. Brunell said it doesn't say an hourly wage it says that the Village Treasurer shall work the following hours when the office is open to the public: Tuesday 10-4 and Wednesday 10-4. Miller said that we will have to amend that to 10-3. Brunell said I will amend my original motion to hire Mrs. Ketchum as the Village Treasurer at \$12.00 per hour, working the hours of Tuesday and Wednesday from 10 until 3; amending the resolution 2-03 that was passed on March 9, 2015. Miller said support. Brunell asked if any discussion; none being heard asked for roll call. Ayes-Miller, Bessenbacher, Prestonise, Orr, Berecz, Cole and Brunell. No Nays; passed. Brunell said I will contact her and let her know. Gormley said you guys passed a resolution a few minutes ago that says you're going to accept applications, how are you going to notify people it didn't really say in the resolution. So, there isn't a fight later on we need to decide now; how we are going to put out notice and what form, are we going to advertise in the paper if so what are we going to say. Brunell said there is free advertising in, Begole jump in if I am wrong, there is free advertising on MCOLES and there is another publication with the State and Begole said I am not sure, I suggest we go there first instead of spending more money and see what we get back. Miller asked if we had to make a motion for that and Gormley said so there isn't any issues later I suggest making a motion. Brunell said Ok, I move to advertise until August 31, 2015 with MCOLES for the position of the Chief of Police. Miller said I'll support. Brunell said motion by Brunell, seconded by Miller; any discussion...Gormley said I don't know if you can but, you should put it on your web site too. Brunell said yeah we can. Gormley said it wouldn't hurt to have it on your web site, if someone hears about it but can't get to MCOLES they can go to your site and find it. Brunell asked if it would be appropriate to do in on the Village face book page and Gormley said I personally don't think you can. Brunell said alright. Gormley said who has your Village face book and Brunell responded I have no idea. Beverly Miller responded we do and it is just a general community site. Brunell said that's why I asked. Brunell went over the motion again: motion by Brunell and seconded by Miller that we post the Chiefs position on MCOLES and accept applications until August 31st Gormley said what are you going to ask for, because in past experience you guys have had some debates about what ought to be the form of the ad and I am just suggesting that you clarify what is going to be the form of that ad. Miller said the address, phone number, and where to send it. Gormley said and if they inquire do you want to give them a copy of the resolution so they know the terms of what's going on. Does that make sense? Brunell asked if any further discussion, none heard asked for roll call. Ayes-Bessenbacher, Prestonise, Orr, Berecz, Cole, Miller, and Brunell. No Nays; passed. **D) Streets Line Painting:** Brunell said at last month's DDA meeting, Miller and I talked about this a lot also, the lines out here in the street are pretty much nothing, you can't really see the center line. I did have DPW get a quote for line painting and I also presented this estimate, in your packet, to the DDA at the Thursday's meeting and the Board and the Board had a discussion. The DDA has unanimously consented to share half of the cost with the Village if we moved forward with this right now; probably right now is the time to do this, the school signs diffidently, on the pavement we need to get the parking lines out there which might help deter some of the issue with Hansen's complex over there. Depending on how the council moves \$3943.00 and if you split it in half with the DDA comes to \$1971.50. Tabled until DDA has meeting to approve then withdrawn. Motion for Village to pay half of line painting, pending other bids, if the DDA pay half by Miller, seconded by Brunell. Roll Call: Ayes-Bessenbacher, Prestonise, Orr, Berecz, Cole, Miller, and Brunell. No Nays; passed. **E) Lagoon Project:** Brunell said she distributed the papers for the Lagoon Project and she also included the schedule of compliance, which has been ongoing since 2011. This has been presented to the budget and finance committee, who has the Rural Water applications; have you met on this? Orr said he contacted Rowe Engineering to get the stuff and they were going to talk to

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Granger. Where it went from there...because I told them we need the financing to move forward. Brunell said I am lost because Rowe doesn't do financing. Orr said but, they have all the information we need for the financial company to finance from agriculture. Cole said we have been with Rowe before and they know...Orr interjected what the incomes are and they were going to get with Granger and get back with you. Brunell said she has not heard back from any of them and Orr said it was done just last week. Brunell said again I heard from Mary Capiezo from Rural Water and she is willing to help you guys and I think I put an email in your boxes a couple of months ago; was she contacted at all and Orr said he contacted her. Orr said we need all that information from Rowe to fill out that application. Gormley said so basically you're looking for funds/financing for the project and that's why information is needed. Brunell said she contacted Rural Water and they came out and got us started and will help us when we call. We really need to get going on this because if we don't we are going to have the DEQ come in and start fining us each day it's not done. All we have to do to pacify DEQ is just showing them that we are moving forward to work the situation out. So, we've been talking about this for months and months...Orr said that it should have been done 4 years ago and Brunell said I know that they did some of it but not a lot of it. I agree with you, it should have been taken care of 4 years ago in 2011. If you could just let me Orr, if Rowe gets back to you, just so I can contact DEQ and tell them what we are trying to do. They told me last summer in Lansing, if you can show us your making strides we will extend the permit. Orr said the he talked to at Rowe said he would get us the information immediately and Brunell said ok I will tell DEQ we are working on it. **F) DPW Insurance Copay:** Brunell said I am going to turn the floor over to you, Gormley. Gormley said you guys had a special meeting a couple of months ago and you approved a contract for Granger where it said you would pay 100% of his insurance and you guys can't do that. The reason for that is the 2011 Public Act 152 basically says that you can only pay 80% of his health insurance and there was a later question that the 80% includes any copay so add that back in. So if you are going to pay a deductible that goes toward the 80%. We have approved alleged language with a fraction to it; you guys need to approve that contract. I believe... I know as a matter of law that the other contract is in violation of the law; you can't pay 100%. The only option you have; before the term insurance you could vote to pay a 100% respectfully; what you did was retroactive to the first of the year and you couldn't do that because that was under the previous plan. When does your contract come up Reed? Reed replied August and it's up now and they want me to sign the papers and send them back in. Gormley said if you want you can approve to pay 100% from August forward but, you can't pay from that period from March to August. The contract is a yearly contract from March to March. Does he know that this is still an issue and Brunell replied no, I wanted council to figure it out first before we approach him? Gormley said but you are still taking the money out of his check and Reed and Brunell said yes. Gormley said he must have some idea. Brunell said we told him it is still under deliberation. Gormley said whatever you agree to pay; the total you agree to pay can't be any more than 80% of the total cost including deductibles. Brunell said I believe the contract in front of you includes all of those changes. Gormley said the last one you guys sent us didn't; it didn't include the deductibles. Have you fixed that since then? Reed read the part of the contract stating that the Village agrees to pay 80% of health care premium coverage and 20% of the premium to be paid by the employee through payroll deduction. Gormley said this one says that the Village will reimburse up to \$2,500 in deductibles and you can't do that anymore. Brunell said so we have to take the \$2,500 out because we can't pay that. So, under page 3 number 8 it has to be struck that the Village agrees to pay 80% of the premiums toward health insurance and 20% of the premiums paid by the employee. So we need a motion to approve the contract with those 2 lines taken out. Gormley said the Village agrees to pay 80% of the premium and the employee pays 20% through payroll deduction plus I would say 100% of the deductibles. Strike the next line that says the Village will pay \$2,500. Just to be clear the dental and

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optical, as long as it is from a different company, is legal and it does not count toward the 80%. Reed said that is something the Village agreed to pay and is not part of the insurance policy. The only dental on the plan is infant care. Brunell said we will need a motion to amend his contract with the changes. Brunell said we will take a 5 minute recess; all those in favor say Aye and the entire council agreed to the recess and will return at 9:13. Upon return Brunell asked for motioned to move Begole up to speak and Miller made it and Bessenbacher seconded. Voice Vote: Ayes-Cole, Bessenbacher, Berecz, Orr, Prestonise, Miller and Brunell. No nays; passed. Begole then addressed to room and spoke about Sampey and that he was a candidate for Sheriff. He also explained small road patrol. He also told how to contact him and thanked everyone for letting him speak. Brunell said we are now going back to the DPW situation and it is my understanding that we have a motion on the table and we are going to strike the 100% of the deductibles and the \$2,500 of annual medical reimbursement and we will need a motion to approve the contract with those changes and to present it to Granger. Cole said I will make that motion and repeated the motion; Bessenbacher seconded. Roll call: Ayes-Prestonise, Orr, Berecz, Cole, Miller, Bessenbacher and Brunell. No nays; passed. **G) Park Pavilion Agreement:** Brunell explained Cole presented the agreement the new Park Pavilion agreement indemnify clause and we just need to approve this. She asked Cole if it was presented to the school board and Cole responded yes and they never said they didn't like it. Brunell said ok, so the Village has to approve the language in the Park Pavilion rental agreement so that they can use it and it is the Pavilion only. Miller asked if we approved it earlier and Brunell said I think we tabled it. B. Miller asked Gormley about the indemnity clause and he explained it. Gormley said I don't see any action, I think we just talked about it. Every Body has to approve it. Miller motion to accept it and Bessenbacher seconded. Brunell asked any discussion and none heard called for a voice vote. Ayes- Cole, Berecz, Bessenbacher, Orr, Miller, Prestonise and Brunell. No nays; passed. **H) Event Permit:** Brunell explained the permits and one from Beard for car show and Fall Festival and we need to do them separately. B Miller explained the permit and asked to use the village lots as well as the area on the other side of this building. Brunell asked if the vendor one is what was cleared by Risk Management last time and B. Miller said exactly. Brunell said so there are 2 permits and we need to approve the Byron Chamber of Commerce; what she just said and we need to approve the car show. They are the same day but 2 separate events so we need to approve separately. Berecz made a motion to approve the car show and Cole seconded. Voice Vote: Ayes-Prestonise, Bessenbacher, Miller, Orr, Berecz, Cole and Brunell. No nays-passed. Bessenbacher motion to approve the Fall Festival and Berecz seconded. Voice Vote: Ayes-Prestonise, Bessenbacher, Miller, Orr, Berecz, Cole and Brunell. No nays-passed. **I) MML Meeting Designees:** Brunell explained that MML sends these to us every month and there is money in the budget for it. It would probably be a choice of whose going and this year they offered if you have one paid member, you can bring a community member for free. I just need to know and I just need to know if you guys want your community represented. Miller said being that we are in a deficit I make a motion not to send anybody this year and Bessenbacher seconded. Voice Vote: Ayes-Prestonise, Bessenbacher, Miller, Orr, Berecz, Cole and Brunell. No nays-passed. **I) DDA Budget Revision:** Brunell turned the floor over to Vandemark. Vandemark said that received the grant for the canoe launch from Saginaw WINN. The grant will cover the cost of materials, signs and other items. All the equipment and labor are donated. That left the balance of \$6,444.00 which is covered by the grant. So, now we need to amend our DDA budget so that we can take payments out of this so we can cover this cost. Brunell said so we would just need a motion to amend the DDA Budget for the amount of \$6,444.00. Gormley said correct. The income will be \$6,444.00 because of the grant and the expenses will be \$6,444.00. Just for clarification, those who read the article that said they were spending \$14,000.00, in order to qualify for the WINN grant, they had to show local money match. The local money match was the donated funds. The difference between the \$14,000.00 and the \$6,444.00 is all

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donated time and material. So there is no other cash going out other than the \$6,444.000, strictly the grant money. The article is not wrong; I just think they were confused when they wrote it because I don't think they knew what was going on. The DDA can only spend money; this is in their plan which you guys approved back in December. They can only spend money that's in their plan or in their budget. Vandemark asked if they would be separate line items and Gormley said separate line items inside the DDA budget. Brunell said so we just need a motion to amend the DDA budget for this amount. Miller moved that we amend the DDA budget to include the amount of \$6,444.00 of incoming expenses; seconded by Orr. Roll Call: Ayes-Prestonise, Bessenbacher, Miller, Orr, Berecz, Cole and Brunell. No nays-passed. **K) Delaney:** Brunell said Prestonise this is yours and Prestonise said he has asked 2 or 3 months maybe 4 months, what Delaney's title is, how he gets paid and how much we've taken in for whatever he does and I still don't know. Never received an answer for how he gets paid or if he is under contract. Brunell said ok, I can answer that. I believe October's meeting, when you were chairing, you called him in for that meeting and asked him all of those questions and from what I understand he did answer those questions at that meeting. But, I have contacted him and asked him to send me an email for it; the risk management has suggested we have an agreement with any vendor or contractor; such as, Delaney. I have not had the time to type up this agreement, with everything else that is going on. I can have a written agreement for you at September's meeting to approve for him to get paid. Currently, I may misspeak because I don't have the numbers in front of me; I don't want to give the wrong information. So if it's ok I will have the agreement at September's meeting that will lay all of that out so you guys can agree and we can present it to him. Prestonise asked what his job? Brunell said his job is and Prestonise said code enforcement officer. Brunell said his job is code enforcement for buildings; things like motor vehicles, unregistered cars; these are things strictly on the police department side to enforce and the Village sends out 10 day notice. Delaney on deals with building construction, permitting, things like that. Prestonise asked can he condemn something and Gormley replied they put most of that in; they changed the state polling code a couple of years ago and it used to be 3 different codes you could adopt and they got rid of them. When they did that the striped out most of the habitable requirements. Instead you are supposed to adopt a property maintenance code and the building inspector is the one to enforce that under the municipal civil infraction ticket or something like that. I don't see where you guys have adopted one; so to your condemnation issue, that's mostly under the property maintenance code right now. Prestonise said the reason I asked is; he condemned a house of my neighbors and his garage, which he knows they have to come down. The neighbor asked what do you do for the people on fixed incomes and he was told that the Village would come in and tear them down and put them on your taxes. I think anyone in this town that has something to tear down, should have the same amount of time that the Village had to tear their condemned buildings down. Brunell asked if he was talking about Richardson and Prestonise said yes. Brunell said Delaney touched base with her and I know he discussed this with Richardson and I haven't had a chance to debrief him about what's really going on over there. He came in a couple times this week because of the new house being built and he is really targeting that; so I can't give you a straight answer on that yet because I haven't talked to Delaney about that yet. He red tagged them; which I think means uninhabitable and what I understood from the basic conversation is; that he will bring a recommendation to the council about how they feel we should proceed with those properties. It is my understanding that Richardson is ok with the fact that they are coming down and he wants to take them down; but that's kind of hearsay...Prestonise said he's my neighbor and he knows the garage needs to come down and every year we figure it will because of the snow. But, it lead to what's your neighbor think about this and I don't care; I could care less whether the garage stays up or comes down; it don't bother me a bit, it's his property. The house down there ...Brunell said I know the house is an issue because the back wall is

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completely gone so that is why it was red tagged. Prestonise said he will agree that the house in uninhabitable and the garage; the other house you can move right in. Brunell asked if it was the house next to Prestonise and he replied yes. Brunell said he only red tagged the garage. Bessenbacher asked if we shouldn't get a monthly report from him and Brunell said we should but, because we don't have a bona fide agreement, except what was verbally discussed with previous councils; that's why risk management is saying that we need an agreement saying this is what the Village expects from him. He can't come to meetings because of the fact that he works other jobs...Prestonise said for the township and I understand that but, we pay him. Brunell said we pay him a percentage of what he brings in and Prestonise said ok but I think he could tell the others that he needs to meet with us, at least once or twice a year. Brunell said I agree with you and Prestonise said I think we should make a motion and send it back to the county. Brunell said we are making more money than we would if we sent it back to the county. Prestonise said that's why I've been asking how much we pay him, how much are we taking in...Bessenbacher said that's why we need a monthly report. I want to see what's going on and what's he looking into, instead of hearsay we want actual facts of what he is looking at and doing. Brunell said I agree and I will draw up something and I will send it to Gormley to see how he feels about it and then we will go from there. He has given me the percentages of what previous councils have agreed on and I do need to get it down on paper because...Prestonise asked what were the percentages previous council agreed on and Brunell said again I am not speaking on the record because I don't have what I can see and read. Originally he was hired and contracted him as building inspector/code enforcement and he was put on a 6 month kind of review; he was hired in July or August by a previous council by contract and council reviewed the contract and when budget time came around and he really got set up in the Village for operation; he had office hours for people and he didn't really get set up until the end of October, building season was over. The income to substantiate what we paid out on his contract and when budget time came around we didn't see it happening so at that time we cancelled his contract and put him on a percentage basis. Prestonise asked if we knew how much we paid him and Brunell said he hasn't billed us in a long time. Prestonise said the last time he billed us it was quite a bit and Reed said we have only received one bill since I started. Brunell said the last time he billed us was about 6 months of permits; he charges per inspection and again I don't want to miss speak so I am not going to throw numbers out there. He gets a percentage off each inspection for each permit...Prestonise said I understand and the last time we wrote him a check the Village only got very minimal back. Brunell said that didn't necessarily show what we had come in, that was just showing what we paid him on and the application fee comes straight to the Village. Prestonise said if that happens then it won't be a big deal to get what we made off them. Brunell said no and it was asked of the previous treasurer to get me a run off and we never got it before she left. Gormley said can I make some suggestions. First you are supposed to adopt, if you're going to enforce a building code, you need to adopt it. Then you should set a schedule of fees, because I think that's what you're talking about; first question is how much are we charging for this stuff and what we are paying for. And you really should adopt municipal civil infractions, because if the applicant decides not to do it you have to go into court and you have to prove beyond a reasonable doubt that it is a nuisance. If you adopt it as municipal civil infraction you can set the code section and go into court and they will give you \$500.00 plus give you the authority to tear the building down and this is a lot cheaper in the long run. It gives you the right to write a ticket; no finding of guilt just responsibility and no criminal record unless you convict someone of a misdemeanor. Makes life a lot easier; then I would get a contract with your building inspector; and also make him your zoning administrator because the 2 go hand in hand. Brunell said originally that is what his contract said. Gormley said you will have to pay him x amount of dollars to be your zoning administrator and percent of building fees. You also have to set your zoning fees. We are starting to see growth when we haven't

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seen it for 8 or 9 years. Prestonise asked say someone is putting in a fence and say it's a \$100.00 fee; isn't the council supposed to approve those fees and Gormley said yes. Prestonise said we never approved those fees. Gormley said you adopt the fees by ordinance and generally whoever is your building inspector sets the fees and he can also set the zoning fees. Adopt the building code by reference and adopt the fees. Also, in that ordinance adopt the municipal civil infractions so you can write a ticket. It is the only way to keep you out of big problems. Brunell said I believe that the fee schedule was adopted from the county. Prestonise said I went through the minutes from when Delaney was hired and can't find anything to approve those fees. Brunell said it was in his contract; that's where it was. Gormley said that's not the way to do it. Brunell said we have to move forward. Bessenbacher said so we do have a contract with him and Brunell said we do not have a contract. Originally we did but it was cancelled. Bessenbacher said you said we have a contract and Brunell said no I didn't...Gormley said you have a verbal with him. Prestonise said I'll tell you what because I am ready for it to go back to the county, I will give you one month to get something in writing, because what I have been asking for, for the last 5 months and Brunell said what you were asking for has been answered, you asked him to a council meeting and asked him all of those questions ...Prestonise said I never, never got an answer. Brunell said we will table this until September. **L) Keys and Folder:** Brunell said we are on to keys and folders and Prestonise said I just want to know why we were locked out of the garage. Brunell said per risk management's recommendation, especially with the last month because there was an issue with an officer that came to me and said there were keys missing from the department. They were the evidence, fire arms and keys to everything, that they were gone and nobody knew where they were. I contacted Sampey and he told me he had the keys, thank goodness. When risk management was here in June talking about the police department; they walked into the police garage and the keys to the police car were sitting on the back trunk. Bessenbacher asked whose fault was that and Brunell said who knows. So the immediate recommendation, especially after I called about the missing keys, the first question asked is how many people have access to that door. The recommendation was that all doors leading to the police department be locked. Sampey was asked what was part of the police department and he included the garage. Risk Management and said that the police are the only ones to have keys to that door. Brunell said we have meetings in here and that door needs to be used as an exit and risk management said that when holding a meeting the door will be unlocked and when meeting over the door shall remain locked. So the only ones that can unlock this door is the police officers when this building is locked down. Bessenbacher asked if we had a lot of problems before. Brunell said it was recommended a long time ago and never done. If it's not done it can raise our liability insurance. So do you want to pay more? Bessenbacher asked when that started and Brunell said they make recommendations just like your house. If your insurance company drives by your house and see that your roof needs to be fixed they will call you and tell you to fix it or we will charge you more or they cancel you. So locking the police department, I don't think that's an issue. Prestonise said why did you move all of our folders and Brunell said because you couldn't get your stuff if you could open the door. Prestonise said so you guys don't have a key and Brunell said no, what does the sign say. Miller said so if we have keys to the office we could go through there and get our packets, if we move them back where they were. Brunell said you are still accessing the police garage and that was recommended not happen. Why is there an issue, why do you have to be around the police car? Bessenbacher said we are just asking. Miller motioned that we get keys to that door and to the office and move the folders back to where they were. Cole said you can't do that that will raise our insurance. Miller said can we get an estimate of how much it will raise it. Brunell said sure. Bessenbacher said it was always like that. Cole said there is no need for us to be in there. Miller said first we were locked out of the office and then an incident happened and then we got move from there to out here because of the incident. Brunell said I

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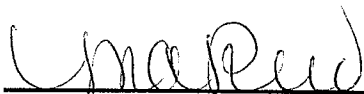
need to include something as to why she said that; their Lexis Nexis reports that are sent by the federal government, they come in the mail and get opened and date stamped. They get put in their mail box on the police door because no one can go into the police office, she saw one of those and said that can't happen because they contain people's names, address, drivers license and social security numbers; they are put on the police mail box and that is a confidentiality situation and the public can't just walk in and see that information. That is just one of the reasons for it to be locked up. Miller said I still make a motion to have access to that door.

Approval of Expenditures: Motion by Cole to approve the bills checks numbers 24143-24177 and EFT42 for \$15812.96 seconded by Berecz. Roll Call: Ayes- Berecz, Cole, Miller Bessenbacher and Brunell. Nays- Prestonise and Orr; Passed

Council Comments: Orr none. Berecz on the ramp and Delaney tagged it and Berecz said that the department of aging put it in and no permit required. It is not connected to the house just up to the porch. Gormley said you need a permit. Prestonise said it is movable. Berecz said he didn't know he needed one. Brunell asked what would you like me to do. I will contact Delaney and you should contact your contractor. Berecz said it's in the works. Cole explained that she was confined to the house for 2 weeks. Bessenbacher and Miller none. Prestonise mentioned the chicken ordinance and Gormley said he would find it. Brunell said to Prestonise that her daughter was away at church camp and was not even in town. You can mess with me but, don't mess with my kids or grandchildren. Also, I know I am doing the best for the Village.

Public Comments Made by Brandon Orr, Mary Lou Prestonise and C. Granger.

Meeting adjourned at : Motion to adjourn at 10:24 pm by Miller; seconded by Bessenbacher. Voice Vote: Ayes-Prestonise, Bessenbacher, Miller, Orr, Berecz, Cole and Brunell. No nays-passed.



Marsha Reed, Clerk

9/14/15

Date



Kit Brunell, President