

Village of Byron  
Regular Council Meeting Minutes  
August 8, 2016

**Meeting called to order at:** 7:00 pm by President Brunell

**Pledge of Allegiance Led By:** President Brunell

**Roll Call – Present:** Miller, Prestonise, Bessenbacher, Berecz, Orr, Cole and Brunell.

**Approval of Agenda:** Cole motioned to approve the agenda as amended by Brunell and Bessenbacher (removing DDA Presentation and adding D-DDA Map, E-DDA Appointment, F-Garbage Dumpster, G-FOIA Request and H-Sexton; seconded by Berecz. Voice Vote: Ayes-Bessenbacher, Berecz, Orr, Miller, Prestonise, Cole and Brunell; No Nays - Passed.

**Approval of Minutes:** Miller motioned to approve the Regular Meeting Minutes for July 11, 2016 as written with the corrections from June 28, 2016 put in council boxes; seconded by Bessenbacher. Voice Vote: Ayes- Orr, Berecz, Miller, Bessenbacher, Cole and Brunell. Nays: Prestonise - Passed.

**Public Comments – Agenda Items:** None

**Treasurers Report** – Ketchum read report. Report to stand pending audit.

**Approval of Bills** – Cole motioned to approve the bills totaling \$19,551.24 and checks 24627-24634, 24637-24654, 24656-24659 plus EFT 54; seconded by Berecz. Roll Call: Ayes- Orr, Berecz, Miller, Bessenbacher, Prestonise, Cole and Brunell. No Nays - Passed. Berecz questioned the M&M bill and Ketchum gave explanation of the bill and Brunell explained the job not finished by massage place. Reed then explained the DDA portion of the bill. It was explained that they have been contacted several times and we still have not received an answer and the job is still not finished. Miller requested that Brunell call M&M and find out if the footage is complete. Brunell agreed to call. More discussion on subject and Prestonise asked about check 24655 which Berecz read. Brunell explained that police department bills had to be paid because department was still open. Gormley questioned why two invoices and Reed explained that they had wrong date on bill. Ketchum will call and see if we can receive a discount. Gormley suggested terminating Verizon.

**Bills Awaiting Approval** – Cole motioned to pay bills (blue folder) listed on approval sheet with the exception of the Independent Newspaper, totaling \$60.66; seconded by Miller. The bill will be clarified for next meeting. Roll Call: Ayes- Orr, Berecz, Miller, Bessenbacher, Prestonise, Cole and Brunell. No Nays - Passed.

**President's Communications:** Brunell discussed the ISO hydrant report and at that time W. Prestonise (Fire Chief) came in and explained the rating has not changed and without higher tower or pump, which are great expense. It is the design of the system and we still call tankers in. Brunell talked about American Legal Publishing and that the last time ordinances were codified was 2002. They said the only way to get pricing was to send a flash drive with the ordinances and then they could tell cost. Gormley explained when done they send new books. Brunell said Demo Loan was paid in full and gave brief summary of the loan.

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**Committee Reports** – Brunell asked Prestonise about the meeting with AGS and Prestonise said we talked about the special land use permit and the DDA map that is needed. Gormley explained the need to create construction board of appeals and that it is possible to piggy back off another board. He also talked about amending the map showing the outside border of the Village then we can appoint the DDA as planning commission. Brunell asked Prestonise if he would call the county and Prestonise said he would call them.

**Personnel** - Cole said that they met on July 29, 2016 at 3:00 pm to talk with applicants. One didn't show (and one did (Dan Warren) and he has CDL and is ready to work anytime. Berecz gave names of other applicants: Austin Marshall and Richard Simpson.

**Commissioner's Report** – Root said we will be meeting next week, pushed back a week because of fair. Primary elections done and thanks for the support. Good changes in January with 4 new commissioners, clerk and sheriff.

**Old Business: A) Fence Repairs:** Brunell explained the estimates of the fence and Miller motioned to have Bob Skinner do the fence repair totaling \$96.92. Roll Call: Ayes- Orr, Berecz, Miller, Bessenbacher, Prestonise and Cole. No Nays - Passed. Brunell abstained from vote. Have Bretzlaff call Skinner.

**B) DPW Status** Berecz introduced Dan Warren and talked about the interview from Personnel meeting and that he understood that it was part-time. Time was given for council to review applications for questions. Miller asked if he had a class B CDL and Warren replied yes. Miller asked if current and Warren said yes. Miller asked if he would be willing to go for water and sewer license and Warren said yes.

**Austin Marshall** was introduced and Berecz said that they did make contact with him by phone. Bessenbacher asked if he had his CDL and Marshall said no but he has been studying. Brunell asked estimated time frame and Marshall answered this Wednesday or next Wednesday. Berecz recommended going early and then he could take as many times as needed. Cole asked where he lived and Marshall answered Lennon. He also said he would like to make it his career. Berecz asked both if background check was ok and both replied yes. Marshall explained that he was going for S5 license and then he will go for the S4. Marshall also talked about his experience.

Berecz talked about Simpson wanting full time and that he had a CDL and had water and sewer license. Miller motioned to hire Dan Warren and he has his CDL for our DPW. Miller amended his motion. The new motion by Miller is to hire Dan Warren as our DPW pending on background, driving test and drug test; seconded by Berecz. Roll Call: Ayes- Orr, Berecz, Miller, Bessenbacher, Prestonise, Cole and Brunell. No Nays - Passed. Reed told Warren what she would need for file.

**C) Disposition of Officers:** Brunell said that apparently they got word because we received a resignation and two retirement letters with Byron ID. Brunell went on to say that we still have not heard from Eller. Brunell then read the letters. Miller motioned to accept Andrew Ryan Wilburn's resignation effective today; seconded by Bessenbacher. Voice Vote: Ayes-Bessenbacher, Berecz, Orr, Miller, Prestonise, Cole and Brunell; No Nays - Passed. Berecz asked who was left and Brunell said Eller and Carson. Bessenbacher asked if Carson was reinstated and Brunell said yes. Brunell explained the fact that retirement is not going to cost the Village and no one wants a letter of resignation in their file. Orr said

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it's simple just tell those two to write a letter like Wilburn wrote. Gormley said if you are going with Durand, the department needs to be closed and move forward. Gormley said to just accept the other letters as a voluntary resignation. Miller motioned to accept the voluntary resignation letters from Rich Crooks and Lex Crooks effective August 8, 2016; seconded by Cole. Voice Vote: Ayes-Bessenbacher, Berecz, Orr, Miller, Prestonise and Cole; Nays - Brunell Passed. Questions were asked about Eller and Brunell and Gormley gave explanation. Gormley gave recommendations on what to do next. Miller motioned to terminate Eller and Carson's employment and close the Byron Police Department; seconded by Berecz. Voice Vote: Ayes-Bessenbacher, Berecz, Orr, Miller, Prestonise and Cole; Nays - Brunell Passed.

**D) Durand Police Contract:** Brunell explained that we tabled from last month's meeting because of items not understood. Questions were asked and answered by Durand. Some changes will need to be made. Hartz said all records will be kept separate and all officers will be sworn in as Byron officers. Many more questions were asked and answered. Miller motioned to hire Durand and accept the resolution regarding law enforcement services with the City of Durand pending changes to paragraph 7.1; seconded by Bessenbacher. Roll Call: Ayes- Orr, Berecz, Miller, Bessenbacher, Prestonise and Cole. No Nays - Passed,

**F) Flag Light:** Brunell explained that she didn't find any other solar lights. Berecz motioned to buy a solar light for the flag pole not to exceed \$100.00; seconded by Miller. Roll Call: Ayes- Orr, Berecz, Miller, Bessenbacher, Prestonise and Cole. No Nays - Passed.

**New Business - A) Hydrant Flushing:** Brunell said we need to do that soon and put on because it needs to be published and I think we should table it until next month. Brunell motioned to table hydrant flushing until next month's meeting; seconded by Miller. Voice Vote: Ayes-Bessenbacher, Berecz, Orr, Miller, Prestonise, Cole and Brunell; No Nays - Passed.

**B) Utility Reimbursement:** Brunell explained one of the residents received a shut off notice and call saying that they had sent in the payment. Brunell said that they provided her with a copy of the money order and that they were her neighbors. It was explained how the office looked for the money order and that they residents said they were in a hurry when bill was due because of vacation. Brunell explained that Reed ran history and that they always paid on time. She suggested that they cancel money order and reissue one. Brunell said that they were not too happy because it cost \$15.00 to cancel. She suggested that they cancel and the Village could credit \$15.00 for inconvenience. She also explained that we couldn't prove either way. Bessenbacher said I don't want to sound mean but, that is their problem. She gave consumers as an example. Ketchum said not made out to Village. More discussion on subject and Gormley suggested that we waive the late fee and if not paid by Friday August 12, 2016 they will be turned off. Reed will call.

**C) Consumers Audit Results:** Brunell explained the audit and why in packets. Miller asked if we could table until September and Brunell said October is better for the rebates. Miller motioned to table Consumer Audit Report until September; seconded by Berecz. Voice Vote: Ayes-Bessenbacher, Berecz, Orr, Miller, Prestonise, Cole and Brunell; No Nays - Passed.

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**D) DDA Map:** Gormley explained why map was needed and that the map must have the Village boundary defined along with legal description. Gormley suggested that both pay half including legal fees and hearings. Questions were asked and answered by Gormley. Berezcz motioned to have both maps done together and the Village portion not to exceed \$1000.00 including Gormley services; seconded by Miller. Roll Call: Ayes- Orr, Berezcz, Miller, Bessenbacher, Prestonise and Cole. No Nays - Passed. Gormley also suggest that the council serve as zoning board by ordinance.

**E) DDA Appointment:** Brunell explained that Rauch resigned from DDA and we have a couple of names to replace. Brunell received from L. Bailey said she would take it and motioned to appointment L. Bailey to DDA committee until November 2017; seconded by Miller. Questions were asked and answered. Voice Vote: Ayes- Orr, Berezcz, Miller, Bessenbacher, Prestonise, Cole and Brunell. No Nays - Passed.

**F) Garbage Dumpster:** Bessenbacher asked if it could be moved and why. She also asked why it was locked and Brunell explained roofing nails. Bessenbacher wanted to motion to take lock off of dumpster; seconded by Prestonise. Discussion on subject took place on placement and lock. Voice Vote: Ayes- Orr, Berezcz, Miller, Bessenbacher and Prestonise. Nays – Cole and Brunell; Passed.

**G) FOIA Request:** Bessenbacher said last time I had a FOIA request I was asked to pick it up and now you paid \$6.47 for nothing. Brunell said what does it say and Bessenbacher read letter. Rewrite the letter, be specific about what you need and I will come and get it or walk it next door where I work. Both made verbal request on what was requested. Bessenbacher said she would respond in 5 days with the written request.

**H) Sexton:** Bessenbacher asked how we replace our sexton because we have had many complaints and I believe it's time that we discuss interviewing a new sexton; I don't know we need to do something. Brunell asked if we had any in writing. Bessenbacher said they are all in the minutes. Gormley said he was checking Village Act 62.6 and read act. Bessenbacher explained her reasons and Cole said she has received praise. Gormley said that 62.6 also explained how creation worked by ordinance or resolution and what you want in a sexton. Reed will get copies of cemetery papers to council. Gormley said a committee can figure what should be in the ordinance. Brunell asked committee to handle it.

**Any Other Business from Council /Comments:** Cole said still having problems with trash in the park and Brunell said that work order was done for once a week. Cole said would rather have done on Friday's because of rentals on Saturday's. Berezcz talked about the school leak and that the school now has a shut off. Miller talked about the drain on Maple being plugged again and will need to have cleaned out. He explained that the last rain and had lot of debris. Miller motioned to have American Sewer to jet the drains on E. Maple Street not to exceed 500.00 and access to fire hydrant if necessary; seconded by Berezcz. Roll Call: Ayes- Orr, Berezcz, Miller, Bessenbacher, Prestonise and Cole. No Nays - Passed. Miller also asked why his FOIA request was not followed and was not filled according to the law. He wants emails to Finnegan. He talked about 3 requests that were not filled and Reed explained that one request not a FOIA. He would like a refund of \$55.00 for blank pages. He talked about lost emails and Brunell said she sent them to Reed and that she would forward them. Miller said that I don't want to sue the Village. Bessenbacher said 307 Saginaw using sidewalk as a driveway and can we send a letter saying that they can't do that. Brunell said that the people who complained were told they need to contact county. Prestonise said that it will be our issued if they break the sidewalk not policing issue. Gormley

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explained that it is policing issue. Prestonise asked if thank you was ever sent to Woodard's for cemetery clean up. Brunell said we would have to send one to everyone who cleaned it up and Prestonise said you answered my question. Prestonise asked if we got anything from New Systems? Reed asked what is New Systems and Prestonise said they clean up the lagoons. Berecz said yes and Reed explained that it was put in Miller's box, Kit's box and Brunell. I also gave a copy to Berecz. Berecz explained what the chemicals do. He also said we also need to get rid of the weeds on the inside of the ponds and they are totally covered in greed, that is not good because no break down. More discussion took place. Brunell talked about Hazard County Master Plan and phone number updated and will be in the office. Brunell asked Miller about missing parking block and Miller said he has checked into it and found nothing. Brunell said we may have another that we can replace it and if not we need to figure out something else.

**Public Comments:** M. Prestonise talked about a lawn that is not mowed and Brunell explained contact office and we send letter. Reed explained foreclosure and letter from attorney. Prestonise asked how we figure out cost and Brunell explained ordinance.

**Items For Next Agenda:** Hydrant Flushing and Consumers Audit Report.

**Meeting adjourned at:** Motion to adjourn at 9:49 pm by Brunell; seconded by Miller. Voice Vote: Ayes- Prestonise, Bessenbacher, Miller, Orr, Berecz, Cole and Brunell. No nays-passed.



Marsha Reed, Clerk



Approved Date



Kit Brunell, President