

Village of Byron  
Regular Council Meeting Minutes  
December 14, 2015

**Meeting called to order at:** 7:03 pm by President Brunell

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

**Roll Call – Present:** Miller, Prestonise, Bessenbacher, Berecz, Cole, Orr, and Brunell  
Others Present: Jeremy Root, John Gormley and others.

**Approval of Agenda:** Brunell amended the agenda; Letter B removed because Mr. O’Neil cancelled and to add Letter E: DPW, Letter F: President Pro-tem, Letter G-Closed Session; legal opinion. Miller motioned to approve the amended agenda; seconded by Berecz. Voice Vote: Ayes-Bessenbacher, Cole, Berecz, Orr, Miller, Prestonise and Brunell; No Nays - Passed.

**Approval of Minutes:** Cole motioned to approve the November 9, 2015 minutes as written; seconded by Miller. Voice Vote: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, and Brunell. Nays - Prestonise; Passed. Berecz motioned to approve the minutes for November 24, 2015, as written; seconded by Cole. Voice Vote: Ayes-Bessenbacher, Cole, Berecz, Orr, Miller and Brunell; Nays – Prestonise; Passed.

**Call To Audience – Agenda Items:** None

**President’s Communications:** Brunell explained Act 51 money in the amount of \$24,011.03 and the grade Lehring Rd (change to a major rd.) was 9 out of 10; with 10 being the worst. Also, talked about risk management letter and property transfer; with much discussion on property transfer and could it be used for snow dumping. Gormley suggested calling DEQ to find out if we can use it for snow and if OK keep. Cole motioned to accept property transfer if DEQ says we can dump snow; Berecz seconded. Roll Call: Ayes- Cole, Miller, Berecz and Brunell. Nays- Bessenbacher, Orr and Prestonise; Passed.

**Treasurers Report** – Ketchum read the treasurers report. Report to stand pending audit. Ketchum explained the receiving of the property tax check for 2015 and explained the UIA employee omission. Title VI in process.

**HES Report** – No Report

**DPW** – No Report; Brunell talked about the E Street drain problem and Miller said he talked to Bretzloff and it will be fixed on Tuesday morning. Miller will follow up. Brunell asked about barricade belonging to the school and Gormley said should replace with Village barricade.

**Building Report** – No Report

**Police** – No Report

**Streets/Grounds** – Miller explained meetings that Miller and Brunell have been attending in order to obtain federal money. Federal grant comes around once every 9 years and money distributed in 2018

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with restrictions and 20% match. Miller explained Christmas light in his garage because bracket broke. Miller mentioned that Granger may quit and we will need to hire Fenton Memorial or take bids.

**Finance/Budget** – No Report; Budget meeting will be held on December 28, 2015 at 6:00 pm.

**Zoning/Planning** – Prestonise explained that they met with Christopher and that he will need a special needs permit. Much discussion on the business and water runoff; does not use wood with paint. Brunell explained about gentleman who wants to build a retail establishment and buy property and may work out a trade with DPW building. It will be a family friendly business and would like to discuss with council.

**Personnel** – Brunell turned the floor over to Berecz. Berecz explained what was discussed running another ad for a DWP person, explaining hour and wage needs for two persons. He explained the K. Ayotte could fill in for January/February. Would he need to be hired as a contract or Village employee? Brunell explained who had been contacted and that they were not interested or never returned call. She also explained husband was willing on temporary basis. Gormley said that Ayotte could not be a contractor because of the insurance; it's the same reason why you guys can't help out, you need to hire an employee so he will be covered under your insurance. They have to be employees and you have a really good policy; so they would need to be employees in order to use Village equipment. Brunell said employee reviews will be done in January. Brunell asked about code enforcement and letter needed for Delaney. Gormley suggested letter asking him to submit bid and would still need zoning person. Berecz explained the need to train person for water and sewer; can't keep paying HES for service. Much discussion continued on DPW positions. Berecz also explained the grant for new police car and would cover 55%. The grant is through Rural Development. Gormley said Risk Management would suggest replacement because of high mileage. More discussion took place on DPW positions and cemetery/lagoon mowing. Miller motioned to run ad for DPW employee, not to exceed 30 hours per week at \$14.00 per hour and one not to exceed 15 hours per week at \$13.00 per hour; seconded by Berecz. Roll Call: Ayes-Bessenbacher, Cole, Miller, Berecz and Brunell. Nays: Orr and Prestonise; Passed. Bessenbacher asked about Prestonise and Miller being able to help Bretzlaff out and Gormley said you can motion to hire them but they would have to abstain from the vote. Bessenbacher motioned to hire Miller at \$12.00 per hour when needed to help until we hire a DPW employee; seconded by Berecz. Gormley said just to be clear about this position, you are an employee and you report to Brunell; I know you are a trustee but you will be wearing two hats if this passes. Questions were asked and Gormley said they will be covered under the liability policy, punch in punch out like every other employee. Roll Call: Ayes- Bessenbacher, Cole, Orr, Berecz, Prestonise and Brunell. No Nays; Passed. Bessenbacher motioned to hire Prestonise at \$12.00 per hour when needed to help until we hire a DPW employee; Miller seconded. Roll Call: Ayes- Bessenbacher, Orr, Berecz, and Miller. Nays- Cole and Brunell; Passed. Prestonise questioned donating money back and Gormley said taxes have to come out before you can. Berecz brought up mail boxes and we could get locked mail boxes. Discussion took place on mail boxes and Risk Management. Brunell explained that it would also eliminate us from grants: wall would cost about \$350.00 and keep us eligible for grants. Brunell explained that Bucko was here 2 months ago and brought up the unlocked door and that it needs to be unlocked from inside. Berecz explained that the boxes would cost \$18.00. Will be discussed again.

**Commissioner's Report** – Root said last week of meetings for year. 911 surcharges approved and you will see in March on elections with renewal in August possible. We are hiring people; New Year, new leadership things are possible.

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DDA- None

**Approval of Bills** –Berecz motioned for approval of checks 24324-24361 totaling \$11,852.21; Cole seconded. Prestonise questioned Gary Palmer and Brunell explained the he was electrical inspector. He also asked about Great Lakes Holster and Brunell explained Prestonise asked about the employee's hours report and Reed said it's attached to the payroll copies in bill folder. Brunell said if you want to go through bills it can be done on Wednesday or Thursday before meeting. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, and Brunell. Nays: Prestonise; Passed.

Motion to take a 5 minute recess at 8:41 pm was made by Brunell and seconded by Cole. Voice Vote: Ayes- Bessenbacher, Cole, Berecz, Orr, Miller, Prestonise and Brunell; No Nays - Passed. Meeting resumed at 8:58 pm.

**New Business: A) Auditor Report**: This was moved up to allow enough time for report. Gerry Terry explained the opinion letter and the paragraph that equals a clean opinion. She then went through the audit report explaining the details of each section. Miller motioned to accept audit report as presented; second by Bessenbacher. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.

**Old Business: A) Revised Water Ordinance**: Gormley explained the changes and suggested that we accept this one. Berecz motioned to adopt the revised Ordinance to Amend Chapter 51 Water of the Village of Byron Code of Ordinances. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed. Prestonise asked questions.

**New Business: B) Sewer Ordinance**: Gormley explained the changes to the ordinance so it would match the sections in the water ordinance. He explained to turn of sewer you need to turn off water. Motion by Berecz to adopt the Ordinance to Amend Chapter 50 Sewers of the Village of Byron Code of Ordinances; seconded by Bessenbacher. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.

**C) Sewer/Water Fees Resolution**: Gormley explained why there was a need for the resolution and the time frame in which the fees would be charged. Voice Vote: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed. Miller suggested the days changed from 30 to 60 days and Motioned that we table the ordinances and resolution until next month when they are made; Prestonise seconded. Voice Vote: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed. Gormley said changes would be done at no charge.

**D) Permits**: Brunell explained the permit from the Rock Church handing out door hangers. Cole motioned to approve the event permit for the Rock Church; Berecz seconded. Voice Vote: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.

**E) DPW**: Berecz said that whatever DPW project is being done Miller and Prestonise needs to work with Bretzlaff. Gormley said you need to contact Brunell and it a process as employees you need to follow it.

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**F) President Pro-tem:** Brunell said every year at this time we appoint a president pro-tem and I move to appoint Berecz as next year's president pro-tem; Cole seconded. Roll Call: Ayes- Cole, Berecz and Brunell. Nays-Bessenbacher, Miller, Orr and Prestonise. Motion Turned Down. Miller motioned to leave Prestonise as president pro-tem; Bessenbacher seconded. Voice Vote: Ayes-Bessenbacher, Miller, Orr, Berecz and Prestonise. Nays-Cole and Brunell; Passed.

Motion by Brunell to go into closed session at 9:42 pm to discuss letter G) Legal Opinion; seconded by Miller. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed. Berecz motioned to come out of closed session at 9:58 pm; seconded by Bessenbacher. Voice Vote: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.


Motion made by Miller to close the independent investigation by Mr. Harris for reasons discussed in closed session; seconded by Berecz. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed. Reed will send letter to Harris

**Any Other Business from Council /Comments** – No other business. Comments – Cole asked about Eric Jones sign and jungle gym. Brunell and Gormely explained insurance and park committee should be set up by Village. Risk Management doesn't like because Village has no control over it. Orr said flag light needs to be fixed. Miller wants Reed to contact Powell about county taking over police. Bessenbacher said don't bother putting unsigned letters in boxes. Prestonise asked about closed session moving to police garage and about budget hours and Gormley said could work an extra 10 hours per week, January 1<sup>st</sup> until budget approved, at presidents direction for the treasurer. We need to amend resolution and if you give me (Gormley) I will tweak it. Brunell said that is why we put them on committees so we would not have to pay the clerk and treasurer and Gormley said not sure you can force to attend meeting and not pay them.

**Items For Next Agenda** –County or Police Chief and tabled Ordinances and resolution.

**Public Comments** –C. Granger asked questions and said S. Granger not quitting.

**Meeting adjourned at:** Motion to adjourn at 10:20 pm by Miller; seconded by Berecz. Voice Vote: Ayes-Prestonise, Bessenbacher, Miller, Orr, Berecz, Cole and Brunell. No nays-passed.



Marsha Reed, Clerk

1-13-16

Date



Kit Brunell, President