

Revised Date Change  
Content the same

Village of Byron  
Regular Council Meeting Minutes  
January 11, 2016

**Meeting called to order at:** 7:02 pm by President Brunell

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

**Roll Call – Present:** Miller, Prestonise, Bessenbacher, Berecz, Cole, Orr, and Brunell  
Others Present: John Gormley, Brian Ambrose, Jason Vardon and others.

**Approval of Agenda:** Cole motioned to approve the 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 December 14, 2015 minutes as written; seconded by Orr. Prestonise asked if the minutes were kind of a synopsis and Brunell explained how it was done: tape request listed at end of minutes. Voice Vote: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise and Brunell. No Nays - Passed.

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

**President’s Communications:** Brunell explained the concerned citizens of Byron face book page, discussion with Gormley about it and response Brunell posted that it would be addressed at meeting. What questions they are asking; DEQ, Lagoon ponds, current DPW position and Police. Brunell reported that the DEQ and lagoon ponds issues were handled per the book and we have not heard back from DEQ as yet. It was handled the way it should have been handled. They inquired about officers on duty and did we still have a Police Department and the only answer I will give is yes, we still have a Police Department and they are part time officers working for other agencies at higher wage. Brunell explained school sewer meeting with Murphy-Alderman on Friday. I will give you a synopsis on the meeting and is there anything else you want me to inquire about at this meeting. No response from council.

**Treasurers Report** – Ketchum read the treasurers report. Report to stand pending audit. Title VI completed.

**HES Report** – No Report

**DPW** – No Report

**Building Report** – No Report

**Police** – No Report

**Streets/Grounds** – Brunell explained the finding that Lehring Rd. is not eligible for Federal Funding so, that leaves Byron Rd and asked Miller for the rating. Miller explained that Saginaw Street downtown is rated a 2 and Byron Rd. going out of town is rated a 3. He explained that by the time we found out about Lehring Rd, it was too late and application has to be submitted tomorrow. We will be unable to hire the

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engineer and figure cost by tomorrow. He explained that, working with the DDA there is a grant for \$750,000 and a 10% match. We can spend the money to also get the street scape done and I think that that should be the Streets committees' recommendation that the money be used for the downtown development. Brunell said that the DDA is willing and both Miller and Brunell agreed that they should all meet. Brunell said it will be addressed later but, I would like Miller to explain the E Street drain. Miller explained the quotes to jet the drain to remove blockage.

**Finance/Budget** – No Report.

**Zoning/Planning** – No Report

**Personnel** – Brunell turned the floor over to Berecz. Berecz explained wage discussed for DPW going to salary, Bretzlaff vacation days were discussed, interested party, salary for DPW discussed was \$35,000.00 for unlicensed and \$40,000.00 for licensed. Brunell said that the interested party withdrew and we have not been receiving anything for the salary posted and qualifications are not there. Gormley explained salary and can't work them 50 hours a week to avoid overtime so, you would have to hire as hourly. Brunell explained breakdown and the rate would be about \$19.00 per hour and once we have someone in place HES will be out of the equation. This is a service the tax payers are paying for and we need to move on it. Miller motioned to pay the DPW worker \$15.00 to \$16.00 for 30 hour position and \$15.00 for the other position. I have couple of issues about DPW and paying for gas out of pocket and we need to get him a gas card. Reed explained that he has one now which takes care of the problem. Miller was ok with that and said that we should bring Bretzlaff up to the \$15.00 per hour. Miller motioned to raise Bretzlaff wages up to \$15.00 per hour effective on the next pay cycle of January 18, 2016; seconded by Berecz. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed. Miller said it was brought to his attention that Reed was helping Bretzlaff and Brunell said it was not necessarily helping, she walked around the building and saw him on the ladder and she just held it for him. She had briefed me on it. I would like to bring something to your attention that happened today; Bretzlaff was working on the dump truck trying to get a shovel out and his hand slipped and burned his hand on the muffler. He did go to urgent care and has second degree burns on his hand. He contacted me and told me he was treated by a doctor and that he was ok. It was an accident and a report was drawn up. Prestonise said if Bretzlaff has to pull the boards on the big dam and falls in there is no saving him, when he is going to do that he needs someone with him. Brunell told Reed to have Bretzlaff call either herself or Prestonise to inform when he is going to raise/lower the big dam.

**Commissioner's Report** – No Report

**DDA-** None-Brunell explained that the DDA has changed their meeting date to the third Thursday of the month; beginning in January.

**Approval of Bills** – Berecz questioned the payments of the bills and thought that the checks would be cut and held until approved. Ketchum explained that she could pay the monthly bills. Berecz asked about a bill that is not a monthly bill and Ketchum and others explained that it had been approved previously. Both the parking blocks and drain ring were approved. Berecz also questioned the bill for the Independent and Reed explained it was for the publication of the ordinances. Gormley also explained

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that they need to be published. Cole motioned for approval of checks 24362-24397 and EFTs 44, 45 and 46 totaling \$23,361.22 for 36 checks; Berecz seconded. Miller questioned why the adjusting ring was in the folder and Ketchum said because it was not a monthly bill Ketchum asked if they still want her continuing to pay the monthly bills and hold the others for approval. Prestonise asked about hidden cost and Ketchum explained that there are no hidden cost. Prestonise asked about a check register from November and why descriptions different. Miller explained they are different and asked both Ketchum and Reed the read the dates and times. Reed explained the breakdown of stamps and training food. Ketchum explained other charges and both Reed and Ketchum said they couldn't explain why different. Brunell asked if Ketchum could have a copy to allow her to review it. Roll Call: Ayes- Berecz, Cole and Brunell. Nays: Prestonise, Bessenbacher, Orr and Miller; Disapproved. Much discussion about bills and Brunell explained the cleanup from previous treasurer. At this time it was motioned was made by Prestonise and seconded by Cole to take a 7 minute break at 8:00 pm in order for Ketchum to locate the bill in question. Voice Vote: Ayes-Bessenbacher, Cole, Berecz, Orr, Miller, Prestonise and Brunell; No Nays - Passed. Returned at 8:07 pm and Ketchum presented the bill in question. More questions on the bill in question; what numbers are and why writing. Ketchum answered saying they are the GL Numbers and it is whatever pen I grab. Prestonise motioned to pay the bills checks 24362-24397 and EFT's 44, 45 and 46 totaling \$23,361.22; seconded by Cole. Miller asked about the EFT payments and Ketchum explained. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed. Unpaid bills: Bessenbacher moved to pay the approximately 15 invoices in the folder; Cole seconded. Ketchum will create a check sheet for the invoices to be paid. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.

**Old Business: A) Revised Water Ordinance:** Gormley explained the changes to the water and sewer ordinances: 60 days from date of bill and on the 61<sup>st</sup> day late fee and shut off on 75 day. Reed asked if would take effect on next cycle and Gormley said yes. Gormley also explained a right of service charge and asked Reed if we had one. Reed replied no, explaining that when someone goes away and turns water off they do not receive a bill. Miller motioned to adopt the revised Ordinance to Amend Chapter 51 Water of the Village of Byron Code of Ordinance as written; Bessenbacher seconded. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed. Miller motioned to accept the Ordinance to Amend Chapter 50 Sewers of the Village of Byron Code of Ordinance as written; seconded by Bessenbacher. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed. Motion by Miller to accept the Fee Schedule and Bessenbacher seconded. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher and Brunell. Nays: Prestonise - Passed.

**B) Tri County Wireless:** Jason Vardon, Owner of Tri County Wireless, explained that they are a wireless internet provider, located in Fenton, Michigan. They would need access to the water tower and 3 other village locations. WIFI hot spots would be available and other that wanted service would be charged a monthly fee. Council asked many questions that Vardon answered. Vardon also explained that they would be responsible for the consumer's bill involved. Brunell asked about new township building and Vardon said we can.

**A)New Business - Handicap Parking:** Brunell explained the call from Chase Bank in regards to complaints about not having handicap parking other than out front of Municipal and Masonic buildings. I think planning and zoning needs to get involved in this and review Article 10 of the zoning ordinance.

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Prestonise asked if we would have the money to do this and Brunell said that's what I need you to find is the cost. More discussion on what was needed and Gormley said you will need a traffic controller. Brunell said maybe the streets committee can help.

**B)E Street Drain Repair:** Brunell turned the floor over to Miller to explain the drain problem. Miller said that the E street drain is not draining and the committee recommends having them jetted. We have 2 estimates and American Sewer is the best option. Miller motioned to accept American Sewer Cleaners bid to jet all 4 drains on Maple and corner of E street cleaned out; Bessenbacher seconded. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed. Reed will contact them and inform Miller of when they will be here.

**C) Risk Management/Attorney Opinion Letter, Distributed 12/29/15:** Brunell turned the floor over to Gormley. Gormley explained the opinion letter and said good idea to run driving record and background check. He suggested that a policy be put into place establishing that this will be done upon hire and run yearly. The handbook should be amended. Miller asked how information was obtained on refusing to do the checks. C. Granger said that she asked the question and both Brunell and Reed said they could not answer the question. Miller explained his class A and can't refuse state drug test. Miller motioned to run driver license check with annual reports on hire date and upon hire; Bessenbacher seconded. Voice Vote: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed. Berecz motioned as a condition of employment upon hire and randomly required drug test; Miller seconded. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher and Brunell. Nays – Prestonise; Passed. Brunell asked about background check and Berecz motioned as a condition of employment, upon hire a background check is condition of employment; Cole seconded. Reed explained who the checks are run through. Gormley asked the parameters of background check. Berecz withdrew original motion and motioned to table till February for fact finding of other Municipalities; Miller seconded. Voice Vote: Ayes-Bessenbacher, Miller, Orr, Berecz and Prestonise. Nays-Cole and Brunell; Passed.

**D) Police Department:** Brunell explained meeting with SCSD (Sheriff's Department) and explained proposals. She also explained discussion with Gormley and that she should be ready to appoint Chief at meeting. She than explained what SCSD could do and the different options and hourly wage for deputies is \$20.00. If they come in for 40 hours per week it will lower our liability cost, how much is not known at this time. You could consider liquidating everything in the department and maybe a problem because we are not exactly sure where some of the firearms came from. I have also talked with Mitchell from the township to see if they want a joint effort and I will set up for SCSD to come to next council meeting. My thoughts are let me get the numbers and bring it back in February and you guys decided what you want to do. Do you want to dissolve the police department here?

**Any Other Business from Council /Comments** – No other business. Comments –Bessenbacher asked why boxes have not been moved. Brunell said still an issue because motion was that council members would get a key to police department once moved, correct? Risk management not happy about that and all council members cannot have key to police department. Continued discussion about moving boxes to garage and the eligibility of the grant through Risk Management if council given keys. Prestonise questioned holster and commented that they don't wear out. Supply and equipment discussion took place with Miller explaining the difference between supplies and equipment. Miller said equipment needs approval bullets are a supply. All equipment needs to have council approval. Prestonise asked if

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we acquired a gun safe and Brunell said we applied for a grant for one, but after tomorrow we probably won't need one. Berecz said I had a request and you (Brunell) followed through with the paper work and I still have not received a call from the Police Department. Looking at the checks we paid for one officer \$689.00 so, obviously he was in the Village at some time and I have yet to be contacted, I understand why people get upset because they can't even return a phone call. Why are we paying all of this money if no one sees him or the car? Brunell said I agree 100% with you and I am comfortable with going with the County. Because then number one they don't answer to us they answer to the Under Sheriff and they will send a report to us. Brunell continued saying I am all for it, we will have more coverage and it opens up so much more if we go in that direction. They would be at the Village disposal and to me a good investment. The numbers may be the final decision maker. I have told Gormley how many times, that I am about ready to padlock the door and say no more police hours until authorized. Bessenbacher said why don't we do that and Brunell said I am all for it. Prestonise said we never see them. Brunell said it is up to you guys. Do you want to padlock the door? Bessenbacher said working 10 pm until 3 in the morning is senseless in Byron. Brunell said how do you want to do this and Bessenbacher said can we do it. Gormley said yes and there are things you have to do in a motion. Brunell said be prepared to answer the questions. Miller said we don't need an officer at night and Berecz said a phone call would have been nice. Prestonise said the County will not respond to the small stuff. Orr made the motion to temporarily suspend the police department until further notice effective by Thursday January 14, 2016 at midnight. Gormley said the clerk should notify them by email, send them all a letter and notify the County. Probably should put it on that face book page. Brunell asked about public places and Gormley agreed. Brunell said call 911 if need for emergencies. Gormley said have them turn in all of their stuff. Brunell said we will draft a letter and send to Gormley for approval. Brunell reread motion as: Temporarily suspend the police department effective January 14, 2016 at midnight until further notice. Clerk to notify each officer by email and mail and contact SCSD that police department suspended, notice in public places, Web and Facebook pages and let public know to call 911 for emergencies ; that motion was made by Orr, I need a second and Berecz seconded. Prestonise said I am sure it will go into the paper and if they call you should tell them exactly what is going on. Reed asked to have the motion reread. Brunell said motion on the table was made by Orr and seconded by Berecz to temporarily suspend the police department effective January 14, 2016 at midnight until further notice and the clerk will notify each officer by email and mail, contact SCSD to notify that department is suspended at this time, post notices in all public places; including web pages and etc., and put discloser for public to call 911, also forward the phone. Discussion continued with Bessenbacher saying that all keys need to be returned and both Brunell and Gormley said we are going to draft a letter. Bessenbacher said it should be done on a specific day and Brunell said they can't turn their stuff in to the clerk it has to be me or another officer. Miller said we need all equipment, the new holster and Gormley said everything. Brunell asked if any further discussion and called for a roll call. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.

Mr. Ambrose was given the floor at this time and discussed rebuilding block 15 to its original state and he would like to obtain the 2 lots that the Village owns. He said he has purchase agreements with other property owners and he only has 14 days to complete. Gormley said impossible to get done in 14 days because Village needs an ordinance and explained it. Brunell said let us confer with our attorney and we will get back with you. Miller said property is brownfield and may be able to obtain grants. Brunell said Ambrose may want to contact the DDA.

**Items For Next Agenda** – SC Sheriff's Department and handicap parking fact finding.

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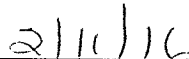
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**Public Comments** – Jason Vardon commented on what he could provide for the Village of Byron. Some discussion to place on Tri-County Wireless C. Granger asked questions and M. Prestonise, S. Miller made comments.

**Meeting adjourned at:** Motion to adjourn at 10:02 pm by Miller; seconded by Bessenbacher. Voice Vote: Ayes-Prestonise, Bessenbacher, Miller, Orr, Berecz, Cole and Brunell. No nays-passed.



Marsha Reed, Clerk



Date



Kit Brunell, President

Full recording is available in the office. Please give the clerk a twenty four (24) notice for the recording request.