

Village of Byron  
Workshop Meeting Minutes  
January 31, 2015

Meeting called to order at: 2:01 By President Brunell

Pledge of Allegiance Led By: President Brunell

Roll Call – Present: Berecz, Bessenbacher, Cole, Prestonise, Brunell. Absent: Orr and Miller. Others in attendance: Christina Granger.

Approval of Agenda: Workshop called because Bessenbacher and Prestonise requested to discuss employee issues. Kit said she had meeting with Gormley on Thursday and he advised caution: do not bring in names.

Plowing and Other Issues: Bessenbacher said this is a big issue. Sidewalks being plowed with truck and Matador's inquired about sidewalk repairs. Also, headstone damage was brought up. Kit replied that she turned that over to the Sexton, Sharon Granger and she will relay outcome. Kit also had meeting with School Superintendent and School Board President and stated that they had no complaints about the plowing and if they did it would have come on school letterhead. Possible remedy for whoever is plowing: be off the street between 7:30am -8:00am. Friday's temperature was too low and did not allow salt to work. Kit called Road Commission and they explained that it had to be 15 degrees for agent to work. Berecz said maybe we should look into sand for school areas. Kit said that the Superintendent and she will keep in contact on weather issues and other items. Superintendent also asked for chain of command. Berecz said we have barrels to hold sand and put out that morning or night before. Bessenbacher asked if Brunell had talked to business members. Brunell replied that she had talked to the Deli owner and that Matador's was given sidewalk ordinance. Prestonise said to plow streets and stay off sidewalks. Sometime in the future we need to talk about the bench. Brunell replied that she spoke to Deli owner and he was not aware that he needed to clear sidewalk. Brunell asked if we had ordinance about keeping walks clear of other items. Cole replied an ordinance was created in 1996 or 1997. Berecz and Prestonise inquired about the planter and trash cans on sidewalk. Brunell said that Gromley said that the ordinance may be vague and the Villages part maybe vague. Berecz said we may have to redo ordinance. Prestonise brought up noise ordinance and said we can't favor groups. Brunell said we could amend for special occasions. Planning Commission was going to do it, maybe we should move forward and make the DDA the Planning Commission. Bessenbacher brought up rudeness during meetings and how bad it looks. Brunell agreed that how it gets presented is important. Granger asked who was rude and Brunell replied that we could not disclose names. Bessenbacher brought up police not returning phone calls. Brunell responded that she knew because daughter has something out there that needs to be verified. Maybe a resolution for pay and 72 hours to respond for police phone calls and they would need to present proof to the Clerk that they returned the calls. Bessenbacher stated that they have not responded to four calls, in December, about an accident on school grounds. Another problem needed to be taken care of and officer just stood and laughed at person and this one cop needs to stop running his mouth. This is not the way we want to portray the Village. If he wants to talk about his pay to everyone maybe he just needs to quit. Brunell said that she gave Chief a list of expected responsibilities. Also, budget wages used were only half of what was allowed. Council should set police hours. Berecz Council could set the hours and lay a ground rule that they need to be here between A and B. Brunell said office asked for available hours and the officers told them that they were only to

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answer to the Chief. Comes back to the resolution that Gormley is working on. Johnson was at the meeting and said the Clerk can call and request the reports from Central Dispatch. Brunell stated that if there is a reason for writing in time on the card they can prove it by dailies or Central Dispatch. Until the resolution is past we still have to pay, them by law, on hand written time cards. He is taking all the issues and addressing them. There still might be problems that the resolution may not fix; we take care of them at that time. Brunell also said maybe we should revamp the whole police department. Prestonise said that committees would take care of the issues. You still have the right to set committees and we don't have any we have something like this, which I think is asinine. Brunell said I'm going to address that and you are not going to like what I have to say. Prestonise replied probably not. Brunell continued; one I believe that this town is too small to have committees and two I believe that you publicly stated in a newspaper article that you did not want the Council run by the Clerk, Treasurer, that the town was going to be run by Council. So, I feel that is how we are handling it now and third, I feel that there is a committee meeting every week day at the Coffee Shop between the hours of 8am and 4pm. Prestonise I am going to address that right now and there is nobody is going to tell me where I can go and have coffee. Brunell said I agree. Prestonise continued I don't like people driving by and taking pictures of me coming out of a friend's house and I am not discussing stuff and the burden of proof is on them. Brunell can you please clarify the fact that I believe was last Thursday when you followed me into my driveway and brought up these issues, if we were going to hold a meeting and I answered you and this is the first time I've brought it up, I just got these papers and I haven't had time to read them and I was going to talk to Gormley, within one hour and the next day 5 people called and stated that you told them what I said. This is why I am saying that committee meetings already being held and that is wrong. This is why I don't do Village business in my driveway or at my house. Prestonise said I fully apologize and I will never bless your door again. This is why the council as a whole, if there is a specific issue, like the DPW water thing and I asked at the Council meeting who would like to work on it and Miller said he would and that's fine. There will not be committees until I feel competent that the Village business is not going to be handled in a Coffee shop or driveway or somewhere else. Prestonise said we can't call you and Brunell said I put that phone line in specifically for Village business and not once has that line been used and I can't come here to conduct business. Prestonise said whose fault is that, you came in November 20<sup>th</sup> and changed the locks on everything. Brunell said I don't take care of business in my house unless it is to call Reed and say can you research this or we are having a special meeting on.... Berez committees are good for researching items and bringing that back to the Council. Brunell said I agree and we've done that quite a bit in the last couple of months. Berez said that I am having a little trouble with the coffee shop issue also. Brunell said to Prestonise, I hope that answers your question about committees, I will not reinstate them and I talked to the attorney and he agrees that I do not have to have them. Prestonise said that the liability we are creating for the Village by not taking care of the issues. Brunell said that the resolution will take care of the issues, if it gets passed. Prestonise said I talked to you about the plowing of the sidewalks with the truck and you told me you spoke with him. Yet the very next day he was plowing the sidewalks with the truck. You told me you talked to him. Brunell said I talked to Mike. Prestonise every day we are building liability and one day the Village is going to be sued. Brunell said I agree and it may not be a public person it may be an employee. I brought 3 things to Council that would help curtail some of the issues and nothing was acted on. I also brought something that would help with the employees and some of the issues and nothing has moved forward, nothing. Until something moves forward we are going to have the problems every single month. You know Prestonise after I've been up here all day dealing with paper work and phone calls, I go home and sit at my dinner table and think that I have been a referee at a high school. Some of these issues are important and serious issues and something needs to be done to take care of them. Prestonise said I agree but, you don't

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talk to us. Right now its 5 or 6 Council members against the office. Brunell said I talk to you at every Council meeting. Prestonise said I don't dare go into that office and Brunell asked why not. Prestonise said for fear that we interrupt them. Brunell said knock on the door while standing there and they will say come in. Berecz comes up to the office all the time and he knocks on the wall so he doesn't scare her to death. Any way that office is a public office and they are there certain hours any anybody can come in to talk with them. Prestonise asked if Brunell had a problem with the handbook and Brunell said that some of the things need to be expanded on, yes I have a problem with it. Prestonise said I think some need to be expanded and some need to be tweaked. But, we don't follow them. Brunell asked what do you want me to do to follow it? Prestonise said I guess some guy from Perry came up here to do our water testing and Brunell said he came up here for water testing when Granger was on vacation. He was going to help with the plowing but, decided that he did not want to get picked apart if anything happened. He decided that the night before the DPW Supervisor left for vacation and I don't blame him at all. Prestonise said I was told we were paying him \$16.25 an hour or whatever. Brunell said we were going to pay him \$1.25 per hour more than our part time employee. I got the information from Reed and 2 days later he decided he did not want to set himself up for any issues. Brunell said I don't blame him. Prestonise said that was never brought to the Council and Brunell said that this is the first time we are sitting. Prestonise said that we knew he was going on vacation and we can't stop him from going but, we should have sat down and said who are we going to get to cover for him and I even told you (Brunell) the Kenny Ayotte has all of his certifications. Brunell did you get me a phone number; I don't know how to contact him. Did you leave a phone number for the Clerk to look into that? Brunell asked Reed if I had the number and Reed responded that it may be on the paper Granger gave her just before he left. Brunell said enough of the little nick picky stuff; my agenda sitting in this chair is to move this Village forward. Starting from today and from November 20<sup>th</sup>, when I swore in, I would like to see some business come back to the Village, I would like to see the Village grow and I would like to see major issues that have to do with departments taken care of and this is where we are going with this. I drove on the most ridiculous roads Thursday night to meet with Gormley and say we have major issues and you know it, the Council knows it, I know it, how do we fix it. We came up with an idea how to fix the major issues. Prestonise said we need to tweak the handbook. Brunell replied I tried and you guys did not want to take any of the changes. Prestonise asked who rewrote this? Brunell said I took it from another Municipality and I talked to Root and the attorney and I turned it in to department heads and said this is a draft that I am turning into Council for approval. For your departments should anything be added, omitted, or changed. Bessenbacher said that should have been brought to us first and Brunell said it was. Bessenbacher said I mean before the others and asked what do you guys want changed in it. Don't give it to department heads first, we are the Council. Brunell said it came to you the same time as department heads. Cole said that the department heads know what they need and then they present is to us and if we don't like it we don't pass it. Then we can change it. Prestonise said I don't disagree with you but, I don't know why we would have had to rewrite the whole handbook. Brunell said because it is very vague, very vague. Prestonise said I don't think it is vague. One thing I found in your new policy is who can contact the lawyer. Brunell said that was taken from what was passed on 2012 and the Municipal League. Prestonise said I noticed one little paragraph that said if no seated President, President Pro-Tem could contact lawyer. Brunell said this was at Gormley's suggestion. We discussed this at the last Council meeting and gave you the reasons behind it. It was all based on what was previously passed. Prestonise said I don't think it said President Pro-Tem and Brunell said it didn't say it at all. Prestonise wanted to know why it was added and Brunell explained that gives you, let me give you an example when Musall resigned I sat as President Pro-Tem for 2 months and I legally did not have the right to contact the attorney on anything while sitting as President Pro-Tem. I could not contact the

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attorney until the Council approved me as President. Berez said as President Pro-Tem you stepped into the Presidents shoes and accepted all responsibilities of the President. That's why it's like a President and Vice President. Brunell stated absolutely. Cole said that all President Pro-Tem can do is presiding over the meeting. Prestonise said that the law says you can contact the attorney. Brunell said as Pro-Tem it is not lawful to contact the attorney. Prestonise said motion cannot supersede the law 64.4 if in absent of the President the President Pro-Tem shall perform the duties of the President. Call Gormley on Monday and ask him. Brunell said if you want to be correct and keep that book out, President Pro-Tem should be appointed every year. Prestonise asked if you were in an accident and in a coma for a year and a half.....Brunell said then it is the Councils responsibility to remove me from office and appoint a new President. Prestonise said I don't think we can and Brunell responded that if I was incapacitated then Council responsibility is to remove me and appoint another President. Brunell said the point is there has to come a time when we can move forward. This sitting in neutral and putting it in reverse and going back needs to stop. You guys have very pertinent issues that need to be handled and before the issues were given to me last Thursday, they were being handled. Gormely and I had discussed them and we have been working on them for the last month and a half. He knows the issues with the DPW and Police. He knows we need to find a direction to correct the issues. If you guys don't move forward and amend some of the things to correct issues, we will be back on a Saturday afternoon, Council will be paid and we will do it all over again. Prestonise said if we work as a Council and I mean a Council, not the President, Clerk and Treasurer back there. We need to work as a Council. Brunell you do work as a Council the second Monday of each month. Prestonise so we can only talk about stuff on the second Monday of each month. Brunell asked if he wanted to have a meeting every day and Prestonise responded no, no. Brunell asked how we would talk about things at the coffee shop. Prestonise said I would come in here and talk-Musall would come in and sit down and talk to you. Brunell said I live on a schedule and I do not have the convenience of getting up in the morning and going to visit everyone in town and stop to have coffee and lunch and coming in here to sit 3 or 4 hours with her and shooting the breeze. I have full time law classes and I am attempting to do the business of the Village to the best of my ability. I have a family and once every purple moon I have a social life. So when would you like me to designate the time to set aside in my schedule, my very busy schedule, to have some time when you can come in here and sit down and chat with me. Prestonise said when you put it that way never. Brunell said I have a telephone you can contact me on, an email you can contact me on and anything you bring into this office, they will contact me that day and I will stop and pick it up so I can start investigating the problems. Prestonise said with your comments right there you don't want anything to do with us. Brunell said I will have everything to do with you as long as it will help the Village move forward. Berez and I talked 2 or 3 times this month about where we need to go. He just so happened to come into the office when I was sitting there picking up things, signing checks, making a phone call and I don't think I told Berez can we schedule this tomorrow at 2 o'clock. Prestonise said I didn't say that so don't put words in my mouth. Brunell said I'm not. Prestonise said don't put words in my mouth. Brunell said you just said I don't have time to talk to you, don't put words in my mouth. Prestonise said you don't need to act that way. Brunell said I have given you a telephone number by request and I will not give my personal number out. I am paying \$40.00 a month just to have a telephone in my office just so the Council can contact me and you have a telephone here. Hi this is Tony could I leave a message for the President, I would like to speak to her about this. Brunell asked Reed if she would take a message for her and Reed replied that she has the pad right there for such things and it's just like these request, as soon as I got them I called Brunell and told her she had some request that she needed to pick up. Brunell said I think I came and picked them up within an hour. Reed said to Prestonise that she resents the fact that you say I am running the Village, I'm not I'm here as part of the Village, I'm here to do what needs to be

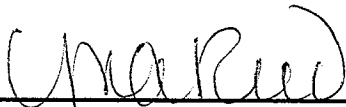
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done, to make sure salt gets paid for at the correct price, the bills get paid, the budget gets down. I don't think you really have a clue of what goes on in that office and how much work there really is. Prestonise said I'm sure there is. Reed said I don't sit back there and eat bon bons. Prestonise said did I say you eat bon bons and Reed said you insinuate it. Brunell said they barely have time to eat lunch and I joke about this with someone the other day, she had their lunch for an hour and took care of business at hand before unwrapping her lunch and I made the joke go ahead and unwrap lunch you can look at it but not eat it. Enough is enough. If there are pertinent issues let's find a way to take care of them. With that being said I will move back to Bessenbacher because that is where we were. Bessenbacher said I am going to the secret thing and you know how it was with Musall and how we all felt when he would do stuff behind our backs. So, when Prestonise was President Pro-Tem and he went to meetings he always took another Council member with him so there was more than just him and if he missed something someone else heard it. I don't ever want it to go back to the way it was. No one was happy with the way Musall did things and sometimes I think we are heading in that direction. You know how bad it was and with the committee thing, there might be a couple things we may need a committee on. Brunell said when that time comes we will designate individuals for the issues. Bessenbacher said I think we need one for the Police department. We have major issues in there and they have been there for a while and we just need to take care of it. Brunell said this resolution will take care of that when we pass it. It is set up in such a way that if it is not done the way Council has approved it, then you're gone. I was in here last Friday and was meeting someone, not as President, as a DDA member and before I did that I asked Gormley if I was breaking any rules and Gormley said no you have the right to meet with anyone you want to. And if you can't trust me, because I don't think that I have done anything to break that trust. We've had discussions, I've talked with Cole and I don't run out to the Village and say I just talked to Cole and .....If you can't trust me in this chair I sit in, maybe you need to find a way to get me out of it. Because I don't do anything representing this office that is not a positive thing to move Byron forward. Bessenbacher asked why you can't have another Council member with you. Brunell responded because sometimes I find out an hour before I meet. Bessenbacher said and you can't contact someone else to go with you. Brunell said Reed is here and Bessenbacher said she is not on the Council. Brunell said there is nothing being discussed that doesn't come before Council. Bessenbacher said don't you understand that's what we had with Musall. Do you understand where we are coming from? Brunell responded that she did understand and that they should be able to trust what she is doing. Bessenbacher said there is an issue with trust and until proven different I don't trust you now. Brunell said I'm sorry for that and I guess you will have to continue to watch what I do and as long it is for the betterment of the Village...I don't know what I did for you to lose the trust. I struggled the month my mother passed on whether to come back to this seat. I lost sleep, I cried, and I did not know which way to go. The decision was made because a professor of mine, a long time ago, told me if you strongly believe that you can make a difference, you have to stand up and make a difference. That's why I came back to this seat. You demanded an explanation and that's your explanation. I want to see Byron turn into a thriving community, I want to see it turned back into the community that drew me here in 1994, Bessenbacher said than work with the Council and when you know a meeting is coming up take someone with you. Brunell said I don't know when they are coming up and on that Friday morning I had 20 minutes to make it. Bessenbach said but they are not all like that and I think another Council member should be there, that's just my feelings. Brunell asked if Bessenbacher would have liked to drive to Fowlerville and Bessenbacher responded if it would help the Council move forward, yes. Brunell said that's your opinion and per the attorney I can meet with whomever I want to. Bessenbacher said that's what I am saying. Brunell said I am doing things legally and as far as I'm concerned that's how I am doing things, legally. If I have a question I am going to ask the attorney and go by what he states. That's what we pay him for; to

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make sure we do things how we are supposed to. I don't get why you feel you have to control the whole situation. It's not going to happen that way that's why we have monthly Council meetings. So that what has been brought to me has been research before I bring it to Council. Here is what I have let's make a decision. Berecz asked if Musall took it one step farther and he would make the decision and that's the way it was going to be. You are right that you are allowed to meet with anyone, as long as no money is committed, no written/verbal promise and comes to Council. Someone has to be the spearhead to get the ball rolling. Most businesses want one contact person and then that contact presents it to Council. Everything needs a certain amount of paper trail. Brunell said I agree. She then said we skipped over something-number 3 Clerk and Treasurer. Bessenbacher said that was about their hours and a packet thing. Brunell said that the resolution will take care of that. I asked Tyksoki to go back and see what the past departments had. I am going to pass the breakdown around and these are the hours that were billed. That shocked me and we had a Clerk that worked 56 hours for a pay period and one was even 60 hours a pay period and things were not completed. I just want you to keep in mind, that with the work load they have and the hours allowed, they are the lowest around us. I still think they are doing the same amount of work as others around us with more hours. And when and if the Cemetery gets turned over that's going to be another added responsibility. We may have to adjust hours for what they are doing. Berecz asked if it was a possibility for Cemetery coming down to office and Brunell said yes. Cole said that the sexton puts in a lot of time because she has to show the plots and keeps details records. Bessenbacher asked if that would be the new sexton's job when we hire a new sexton. Brunell said if we can find someone willing to do that job for what we pay her at \$100.00 per month. Prestonise said we have budget coming up soon and I would like to have what we take in and what we pay out for the Village. Brunell said we talked about this and something that happened at the last meeting would have been prevented. The police training budget was over when we approved the Chiefs request. We will include in the packets the budget report so that you will be aware of what is going on. Prestonise asked if Council was going to be involved in the budget and Cole explained how the budget worked and what was presented to Council and the public. Brunell said Council has money for training and if you would like to go get with Reed and let her know. What would you like me to do with the issues? Bessenbacher said we should talk to them and Brunell said we should do something in writing and Bessenbacher and Berecz agreed. Berecz said we need a plan for the snow removal and an emergency plan. Brunell said that we would check into it. I feel that each department there should be a procedural plan.

Meeting adjourned at: 3:56pm Brunell adjourned it.

  
Marsha Reed, Clerk

3/9/15  
Date

  
Kit Brunell-President