

Village of Byron
Regular Council Meeting Minutes
October 12, 2015

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, Cole, Orr, and Brunell
Others Present: Jeremy Root, John Gormley and others.

Approval of Agenda: Cole motioned to approve the agenda as written; seconded by Berecz. Voice Vote: Ayes-Bessenbacher, Cole, Berecz, Orr, Miller, Prestonise and Brunell; No Nays - Passed.

Approval of Minutes: Miller motioned to approve the September 1, 2015 (Special Meeting) minutes as written; seconded by Bessenbacher. Voice Vote: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed. September 14, 2015 (Regular Meeting) minutes; Miller motion to approve the minutes as written; Bessenbacher seconded. . Voice Vote: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed. September 25, 2015 minutes (Special Meeting); Cole motioned to approve as written; Miller seconded. Voice Vote: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.

Call To Audience – Agenda Items: McGuire, from the school board, explained the school sinking fund extension for 2 years and it is the exact same as the other; voting will be held on November 3, 2015.

President’s Communications: Brunell said we did have two communications that came in: One from Gormley that you just received and that you need to use your village emails because the letter was sent to each council members email. If you need to have passwords reset come into the office and Reed will get you set up. The copy I gave you from Byron Schools we will talk about that in a little while. That covers communications and my report.

Treasurers Report – Ketchum read the treasurers report. Report to stand pending audit. Brunell said that we noticed on the report that the debit/credit columns are not pulling over and the office will contact BS&A about. Bessenbacher asked who does the treasurer’s report and Brunell said the treasurer does and gives it to Reed to put into packets. Brunell said and FYI is your budget report that we supply each month and just to let you know we are going to start budget work next month. Budget committees are going to have to start scheduling their budget meeting and have the chair report back to the council.

HES Report – Brunell explained that Kristen sent in the report of what has been done in the last month. We did meet with DEQ on October 6th. They did a walk thru of the well house and meet with HES; a couple of things DEQ pointed out: we need to do a general plan and a reliability study, which needs to be done by January 1, 2016 and as soon as we put the DPW employee in place, they will do daily readings the HES will come in three times a week to back things up and make sure things are where they are supposed to be. If you have any questions regarding that I can relay them to HES and if you see her at the well house, they will be happy to chat with you or take you thru the well house. Also, HES remarked on how well Granger kept the records. They were able to walk right in and find all the material needed for them to get started.

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DPW – No Report

Building Report – No Report

Police – No Report

Streets/Grounds – No Report Received

Finance/Budget – No Report Received

Zoning/Planning – No Report Received

Personnel – Brunell turned the floor over to Berecz. Berecz explained that they went over duties and procedures for the DPW and it was decided who was going to be contacted if the Byron damns needed to be opened or closed. The supervisor would get a hold of Brunell; suggestion was made that we may want to look into having a tripod out there and use chains to lift the gate instead of the using the back hoe. We talked about moving the time clock, the time clock at DPW is ok and the one here is trash. We might move the one down here and the DPW guys would come here and clock in/out. The clock would be connected to Reed's computer and she would receive the information and not have to rely on time cards; making her job a little easier and more accurate. It was also discussed upgrading the time system to a finger print system and that would eliminate any cheating; if you're here, you're here and if you're not, you're not. Miller said I thought we bought one and Brunell said we did and discussed it in the meeting that it had been ordered because 2 stamp time cards were about \$400.00 each and we researched the one that uses finger print or key fobs and it \$200.00. It works on a system where they put their finger on the pad, reading the print, punching in/out. It has a flash drive that has all of the set up files in it, Reed will put into clock download the files then put into her computer and then she can print off the reports. No waiting for reports from police or DPW on payroll. It is here and we are working on getting it set up and I think it will be more efficient and take less time because it calculates the times. Prestonise asked if you want to look at the hours, how does that work and Brunell said it prints out a report. Cole and Berecz explained how it works to Prestonise. Prestonise asked where the clock was going to be and Brunell showed where the clock placement would be. Berecz explained that the DPW draft would be available at the next meeting. Brunell said that there are two, DPW and snow plowing. Berecz said we addressed both of those and made minor changes; basically we took out plowing any of the sidewalks with Village equipment. In the future if we have anything to plow sidewalks with, it will be addressed at that time. The snow plowing outlines what streets to do first. Granger left us with a really good description of what his duties were. The only thing we added and most important are the need to obey all traffic signs and speed limits so, we don't have any accidents. I believe that Brunell showed the draft of procedures, at least for review, to the applicants. Brunell said yes we discussed them. She also said that we thought it was important to have the procedures in place for the department and if once you review them, let me know if you have suggestions, changes or any questions.

Commissioner's Report – Root said not much at this time, just meeting on the budget.

DDA- None, Brunell said the minutes are in your packet and they will be settings their meeting dates.

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Approval of Bills –Cole motioned for approval of checks 24249-24261 and 24267-24290 totaling \$25,404.26 with 5 checks not listed; Berecz seconded. The motion was amended by Cole changing the last check number as 24280 instead of 24290; seconded by Miller. Reed explained that BS&A reports moved and still an issue since last year closed out and will contact BS&A. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.

Old Business: A) Building Inspector: Gormley handed out communications from his office in regards to building regulations, which includes his legal opinion and ordinance to adopt building, electrical, mechanical, plumbing, and international property maintenance codes. He explained that the first ordinance rewrites your code of ordinance which currently has you only enforcing the building codes; he explained what was added when he rewrote the ordinance including the national code. He explained how this would bring us up to date and that when we had to change fees we could do it by resolution. He also said that by law you need the code books on hand and recommends that we purchase three of them. He also explained that he added a section so that we can get an order to take a house down if need be. He also said he set this up to be added to the November meeting. Tabled until November per motion made by Miller; seconded by Cole. Voice Vote: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, and Brunell. Nays: Prestonise - Passed. Gormley said he also has a rough draft of the chicken ordinance that can be used as a starting place and acted on in the November meeting.

B) Trash Collection: Brunell explained that we received a renewal notice for Republic and the cost went up \$1.00 per resident. We also contact 2 other companies for quotes and heard back from Specialty Salvage. Gormley said if I am not mistaken you are still under contract with them and they are just notifying of a price increase. Miller agreed on the contract. Brunell motioned to table until November so we can find out contract details; Miller seconded. Bessenbacher asked if they could increase the rates and Gormley said yes and the provisions are in the contract. Prestonise said that according to the recommended action it says that add \$10.00 per month to the village customers' water bills; is that added to the water bill or put on the bill and Brunell replied we have discussed the possibilities of transfer to the home owners to bring some relief from the deficit. There are not too many municipalities left that pay for the service. Gormley said it would be added as a separate line item on the quarterly bills. He added that everyone else collects for the trash except for Byron. Brunell said that the wording should have read water bill cycle. Voice Vote: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays – Passed; Tabled until November.

C) School Sewer Update: Brunell explained the updated sewer and received a letter from Murphy-Alderman stating what they had come up with. I called and talked to Gormley and basically they want to settle the charges in full for \$12,000.00. I personally feel, with the fact on how the whole situation occurred, not everybody did exactly what they should have, this is a generous offer and I think we should accept the offer and put it behind us and move forward. Miller motioned to accept the schools offer of \$12,000.00 to settle in full the charges for the pollution control services done at the school and Bessenbacher seconded Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.

New Business: A)PD Chief Introduction Interview (From Second Posting): Brunell explained that the candidates will do an introduction interview and that we had three candidates. Only two showed up. Questions were asked by both Brunell and Gormley.

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B) DPW Position: Brunell explained that two people have declined out of the four applications received. She went on to say she talked to both of them and had them sign for background checks, which they passed. Each applicant introduced themselves. Cole, Berecz and Prestonise asked questions. Brunell went over the hour structure and that we need to fill position(s) and recommend that we hire both with reviews in 30 and 60 days and possible yearly review. Miller motion to hire both Hibbard and Ritter for the DPW at \$12.00 per hour with 24 hours divided amongst the two of them per week with the proposed review schedule of 30, 60 and authorizing the president to call for snow removal not to exceed 40 hours per week (amended after Gormley suggested the authorization). Brunell said I thought we discussed a 24 hour and 10 hour position and read from the approved minutes from September 25th and it is located on page 2 letter E. Miller restated his motion and Brunell said that is why I had the split the other way. Gormley asked if they wanted to give the president the authorization to call them in for snow removal not to exceed 40 hours a week. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.

C) Event Permits-Revisions-Gormley (Legal Opinion): Brunell turned the floor over to Gormley. Gormley explained that you cannot hire a person to do a service you cannot perform. You cannot hire, I will make up a name, Friends of Byron to run an annual Byron Days in October because you don't have the statutory authority to do that, DDA's are a different creature, they have some authority that you do not. It is suggested that if you are going to do that with a non-profit, you have a written contract which specifies your specific authority for your protection. It doesn't matter if you give them money or give them services. The Michigan Department of Treasury said that these types of expenditures were going to receive additional scrutiny. They are not looking backwards they are looking forward. I know this can be confusing but, I hope the opinion will help explain it; any questions? Berecz asked if an officer is on duty will it fall under his job for traffic flow and Gormley said that directing traffic was not under a norm. Brunell said this was an FYI for you guys. Gormley suggested a motion to release the legal opinion to the public. Miller motioned to release the legal opinion for Lawful Expenditures and Non-Profit and Community Organizations; Berecz seconded. Voice Vote: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.

D) Risk Reduction Grant Opportunity-Resolution: Brunell explained that risk management informed me that (in June) grant opportunities were available to municipalities, thru the par plan, not our insurance company, and they can be used for things like security cameras on the building, body cameras for the police officers, it can be used for a lot of things. Each of you received the last newsletter from MML, I believe they come quarterly, and on the back page it talked a lot about this. You only have a short span to apply for this grant, October 1st thru November 2nd, and one of the regulations for this grant is that you pass a resolution regarding the grant. I had Gormley draw one up for you guys and it doesn't mean will get anything but; at least we can apply for one. We can try and get something that will lessen our liabilities as a Village. We would need a motion to pass this resolution. Miller made the motion to pass the resolution authorizing Village of Byron's application to the Michigan Township Participating Plan risk reduction grant program; seconded by Berecz. Miller asked once it passes is it permanently good and Brunell and Gormley said for this period only. They had a disbursement in April. Roll Call: Ayes-Berecz, Bessenbacher, Cole, Miller, Orr, Prestonise and Brunell. No Nays; Passed.

E) Title VI Coordinator: Brunell explained that last month council approved Ketchum to go to this training in Lansing for the Title VI for agencies. Ketchum gave a summary of the report that was included in the council packets saying that it is a civil rights act that is Federally Mandated and we must comply

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with it. Brunell explained about the email with the draft saying we need to appoint a coordinator and since Ketchum attended the training to appoint her as the coordinator. Berecz asked if she was willing to do this and Ketchum replied yes. Berecz motioned to appoint Ketchum as the Title VI coordinator for the Village of Byron, taking care of the plan and filing the correct paper work; seconded by Miller. Prestonise asked if it would interfere with her job as treasurer and Ketchum replied no it is a matter of filling out the paper work and it is more automatic. We need to do this to receive the funds. Gormley said once you get the plan in place I suggest you adopt it by resolution and the reason for that is you keep a resolution and a ordinance book and when you need to find it will be easier; whereas a motion just floats around. Roll Call: Ayes- Orr, Prestonise, Berecz, Bessenbacher, Cole, Miller and Brunell. No Nays; passed.

F)DDA Term Appointments (Murphy and Bowers): Brunell explained that at the last DDA meeting it was brought up that the term appointments for Murphy and Bowers are up this year and they did approve on their council to reappoint them so, we have to approve their reappointment for a 4 year term on the DDA Board. Brunell moved to appoint Murphy and Bowers for the term limit of 4 years for the DDA Board; seconded by Cole. Roll Call: Ayes-Berecz, Bessenbacher, Orr, Cole, Miller, Prestonise and Brunell. No Nays; passed. Reed was asked to contact Vandemark and let him know of the approval.

Any Other Business From Council /Comments – Miller said that it was brought to his attention that the manhole on Maple Street; the manhole needs to be rebuilt and we need to get a company in to see if it is plugged because when it rains that whole street floods, right there on the corner from the elementary school to the church. Brunell said right and we talked about it about a week ago and that is the actual situation where we took pictures and got back to you. I have talked to the school a couple of times and that is why the barricade is up to help alleviate the situation there, but I agree...Berecz said that is the same one that has been like that for years. Brunell asked one of the audience members about the church basement flooding and he replied that it floods every time it rains hard. Gormley said the picture I saw of the drain looks like someone threw a couple of quikcrete bags into it. Miller said I don't know if it is the same drain and Brunell asked an audience member to explain the location of it. Miller said the manhole needs to be rebuilt and Gormley said two separate issues but, if you don't take care of the one it may not take care of the other problem. Prestonise said the manhole itself sits on a rim and half of the rim is gone. So, if you stand on one side you can get it to flip up. More discussion occurred. Gormley suggested that we open it up and see if anyone complains. Brunell said we will do a DPW work order for the cement to be removed. Brunell asked if Miller's committee could look into getting the bids for repair. Brunell said to contact Reed and she will get you the names for the bids. Brunell asked if there was anything else and Miller said yes, on Water Street the blacktop is breaking up. Brunell asked if he had the address number and get it to Reed. Gormley said Miller before anything is done to the manhole you need to take pictures and Miller said it looks like it is the top ring and explained what he thought what might need to be done. Brunell asked if any other questions and Miller said if I have a question on how the minutes are written who do I contact and Brunell said you address it to me. Miller said it ok. Gormley asked if there was an issue and Miller asked are they word for word. Brunell said I have seen her listen to the recording and typing. No other comments from the council members.

Items For Next Agenda – Brunell asked about items for next agenda and the reply was chickens for ordinance.

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Public Comments – Leo King asked about sidewalk snow removal and who is responsible for it and Gormley replied the property owner. He asked about confined places and Berecz said we have the harness. He asked about the trash and Brunell said we can't discuss because it was tabled. S. Miller commented on how proud she was of the council. Miller asked Brian if he could show them where the drain was located and Brian said yes and it is straight east. Brunell said I have one more thing, Bretzlaff and I talked about him doing some mowing for the DPW because he is done in the cemetery next Friday, does the council think it a good idea to keep him on till the end of the month to help catch up. Brunell asked if he would then be a DPW worker and Gormley said yes. Brunell said he would not be able to use the cemetery equipment. Council members commented on how residents have helped with the mowing. Miller motion to keep Bretzlaff on until the end of the month for mowing; seconded by Bessenbacher. Roll Call: Ayes- Berecz, Bessenbacher, Cole, Miller, Prestonise and Brunell. Nays-Orr; passed. Bessenbacher asked if we were going to do an inventory and Brunell said yes. Bessenbacher said for insurance purposes I would shoot video and take still pictures. Brunell said we would.

Meeting adjourned at: Motion to adjourn at 8:40 pm by Miller; seconded by Berecz. Voice Vote: Ayes- Prestonise, Bessenbacher, Miller, Orr, Berecz, Cole and Brunell. No nays-passed.



Marsha Reed, Clerk

11/10/2015

Date



Kit Brunell, President