

Village of Byron  
Regular Council Meeting Minutes  
September 14, 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: Vicki Murphy, Jeremy Root, John Gormley and others.

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

Approval of Minutes: Miller motioned to approve the August 10, 2015 minutes as written; seconded by Bessenbacher. Voice Vote: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.

Call To Audience – Agenda Items: M. Prestonise questioned why water letter was sent and why she didn't receive one. R. Cole Jr. (Supervisor from Argentine) asked who to notify for the damn opening and Brunell said to notify her. Donald asked who was going to turn his water on. G. Reed asked if we have a Police Department and injustice was done to M. Granger. Also, brought up bankruptcy of a couple of board members.

President's Communications: Brunell explained the Act 51 changes and the training about Civil Rights that Ketchum is going to on September 23, 2015 and we have another opening if anyone would like to go. Just let Reed know if you want to go and she will give you the information. Brunell went into Robert's Rules of Order and said that quite honestly I am a little tired of council meetings becoming interrogations and I don't expect us to follow this by saying Mrs. Chairman. But, I do believe we need to revert back to some sense of order on this council so, I would really appreciate you guys review this; and added you will address remarks to her, obtain the floor and watch language. We need to start cleaning up the council meetings a little bit because they have been getting out of hand. She also explained about the well house monitoring and that she checks it 3 times a day. All checks were good.

Treasurers Report – Ketchum read the treasurers report. Brunell explained the General Fund note. Report to stand pending audit.

DPW - Report accepted as presented.

Building Report – The report showed the breakdown of Delaney's services. Brunell said it shows what has been brought in from December 2014 thru August 2015. This is just for your review.

Police –Brunell said there was Fun Day question by B. Miller about the hours for the police invoiced and how do you want to act on this. She explained her thoughts and the protocol explained by Gormley; you have to charge for the service. Miller asked if we scheduled one and Prestonise and I directed traffic. Brunell read email from Sampey detailing hours. Prestonise asked when the DDA is involved is it a nonprofit function. Gormley said the DDA is a government entity and if involved it would be a

Village of Byron  
Regular Council Meeting Minutes  
September 14, 2015

government function. Brunell said we need to decide how many hours we are going to charge and we will need a motion to amend the invoicing then vote on it. Gormley suggested changing the permit to actual time with a 2 hour minimum. Miller motioned to revise the invoice for the Chamber's Family Fun Day to a charge of a 2 hour minimum per officer; seconded by Prestonise. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed. Brunell explained the Risk Management for Police Department is in your packet and no action is needed.

Streets/Grounds – None

Finance/Budget – None

Zoning/Planning – Brunell asked Prestonise if they met and Prestonise said I don't know if we met but, we wrote a chicken ordinance that was given to Gormley. Gormley said he will revise and have for next meeting. Once done you will need a Public Hearing to adopt it.

Personnel – Brunell turned the floor over to Berecz. Berecz said prior to Granger leaving we discussed his contract. The DDA was briefly discussed on becoming the Planning Commission. We were waiting on the new mapping and we will look at the situation again. Sidewalks were brought up and Cole asked who was responsible to take out and replace in areas where needed. The gas station across the street was also addressed about the parking issue. It was suggested to check out parking blocks and Berecz was to check out pricing. Cole found a little better price with Grand Blanc Block and they were a little bigger and longer. They were cheaper at \$56.00 and not \$60.00 plus they came with the hardware. Brunell asked Berecz to explain the placement of the blocks. Berecz explained the details and said we would probably have to paint them. Berecz said the last thing we talked about was the go carts and dirt bikes on the north end of town. Members of the audience said they run them every night. Brunell suggested filming them and turning it in to the police department and that would actually help them. Question from audience member, M. Reed, what about the south end. They use it as a race way all the time and I do have it all on video. Brunell said turn it in to the police department.

Commissioner's Report – Root said we did propose our budget for 2016 and it is a balanced budget; we will still have deputy's on the road, minimal coverage. We lost our buildings and grounds supervisor and we are losing people out of the jail; friend of the court person gone. The IT guy resigned. We all need to work together and it is hard to hear when it involves your home town.

DDA- None

Approval of Bills – Cole and Berecz why some checks not on listing; checks 24243-24247; also 2 other sets of payroll 24207-24217 and Reed explained that they were posted but because the fiscal year was not closed out and we just discovered that it wasn't done when it should have been. That may have had an impact on the report. I will call BS&A tomorrow to find out the problem. Gormley said just approve the ones on the list and approve the others next meeting. Brunell said we can add it to the September 25<sup>th</sup> meeting. Bessenbacher asked about the Mahar check and Reed explained that it was for the cemetery; flowers for monuments. Cole motioned for approval of checks 24182-24186 and 24206, 24218-24242. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.

Village of Byron  
Regular Council Meeting Minutes  
September 14, 2015

Old Business: **A) Building Inspector** Gormley said why not take the people in the audience first and Council agreed.

**B) Bob Bucko from the Stevenson Company** explained how long they have been in business and what our policy covers. He explained bonded employees and how building inspector covered and one way around it. Brunell asked if we were covered for errors of omission and Bucko replied you have 1 million dollars in coverage. Brunell asked if a board or board member gets sued and it goes past the coverage, what happens. Bucko replied sometimes we have an idea of what's going to happen and at times the attorney will sit down with the board and determine a strategy. We could tack on a million dollars across the board for about \$800.00. Brunell asked about securing the police department. Bucko explained policies and procedures and did you follow and puts the Village in a good spot. If you don't follow the policies and procedures it puts us behind the eight ball. Bucko will send information on sensitive material and we can forward to attorney.

**C) School Sewer Update:** Brunell said she attended the school board meeting and did discuss the bill. They did their own video and agreed that there were 8 repairs and general consensus is yes they owe the Village something and they were going to crunch so numbers. It will be back on the school board agenda for the next meeting. That brings us to the building inspector. Prestonise asked if we could table the building inspector until next month and Brunell said yes you can. Prestonise motioned to table the building inspector until October meeting; Bessenbacher seconded. Voice Vote: Ayes- Orr, Berez, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.

New Business: **A) Brent Bodnar/DEQ-Lagoon Project:** Explained what the lagoon system did for waste water and discharged twice a year. Worked with Granger for several years and explained the permit for phosphorus removal. Deadline by this October and a chemical was added but wasn't very successful. DEQ is willing to give the Village more time, another 2-3 years. We just need to see progress in the direction of removal. Gormley asked a few questions that were answered by Bogner.

**B) James Minster/C2AE Senior Project Manager:** Explained the process and what chemicals used. Alum safe but more costly and went on to explain different methods for removal of phosphorus along with expense and safety of each. Berez asked once improvements are done will it just be the cost of chemicals and Minster answered correct. Berez asked is this something that will continue to rise in cost. Minster said it should not change much unless you have a change in your system. Gormley asked questions about the mixer system. Minster said that it really only runs twice a year and the electric would be the cheapest. Brunell said that Cole alerted to a grant and I applied for it. They received it and asked for more information that was sent to them today.

**C) Wastewater and Drinking Water Operations/Maintenance Proposals:** Steven Hughes of HES Inc. presented his proposal and what his company would do for the continued safety of the wastewater and drinking water at the cost of \$26,400.00 per year. Michael Boven from Infastructures Alternatives explained his proposal and it covered the entire operations of the DPW. Brunell explained that we contacted other communities and had no success. This is something we need to move on now. Miller motioned to contract HES at \$26,400.00 per year for wastewater and water accepting whole proposal; Orr seconded. Berez asked if they will start right away and Brunell responded yes. Cole asked what if we don't need them for a year and Gormley said we can break the contract after 90 days and suggested

Village of Byron  
Regular Council Meeting Minutes  
September 14, 2015

a letter stating that the Village has hired someone. Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.

**D) M&M Paving/Crosswalks:** Brunell said they have begun striping and will be coming back in 3 waves to complete the job. I believe on the 4<sup>th</sup> the M&M crew was approached about crosswalks in town, which was discussed at the DDA meeting, the crew said the cost would be about \$400.00 dollars. I am requesting a written proposal from the owner of M&M so we have actual cost. Once I have this proposal, it will be presented here and to the DDA. Miller said the only question I have is, the DDA can only spend money in the downtown development area and we charged them 50% of the striping bill, should we have only charged them for the downtown area? Brunell said the majority of the area is in the DDA district, the only thing not in their district is the school sign down by the elementary school. I think the rest is within their district. Cole asked if she was sure because of the tracks and Brunell said your right the tracks are outside the district. Gormley said whatever is not in the district cannot be charged to them. You will have to figure out what is in and what is out. Cole asked if we truly wanted to do 4 more crosswalks and Brunell said that's why I want to talk to Vandemark more and pinpoint more accurate information. She asked Miller if he talked to Vandemark and Miller replied that he had and they want 4 crosswalks for the kids. Cole said we have never had 4 crosswalks and going across Saginaw and Maple there is no sidewalk. Brunell said I will talk to Vandemark more and asked Reed to call M&M. Brunell said I am going to jump around a little and reserve the closed session so that the audience doesn't have to wait outside.

Any Other Business From Council /Comments – None

Items For Next Agenda – Brunell said I want you to put on your calendar Friday September 25, 2015; this is when we will be interviewing the candidates for Chief position and they are scheduled from 6 – 9:30 pm. This will make for a long night.

Public Comments - Granger asked about vacation days etc. Brunell said she talked to Gormley and whatever is in the contract will be reviewed. J. Reed said that his wife going to have a coronary because I told her I wouldn't show up. He thanked everyone for showing up. I usually don't do this type of thing but, I am like to ask for Prestonise's resignation and if you do not resign you will be recalled. I did a little research and you are making financial decisions that affect my wallet. You don't own any property in the Village and you are not paying any taxes. Also, I found out that you declared personal bankruptcy in 2006 and do you think that gives you some sort of expertise in spending my money when you can't even manage your own. Are you prepared to quit or would you like to be recalled? Prestonise said he will not quit. I have lived here for 10 years and past and present council members are so incompetent and you already cost me a \$1000.00 on this flood control, your police department is in shambles and you just got rid of the DPW; I think you should probably get with your attorney and see what the legal definition of misfeasance and malfeasance because this council is very close to both of them. C. Granger asked what will be done about all of the other DPW services. My tax dollars do not pay for it to ruin my lawn. M. Reed asked if we do have an active police department. Brunell said we do have an officer putting his time in. M. Reed said that the curve is being used as a raceway and it is so loud that you can't carry on a conversation in your own home. I will tell the police to park on my property and I haven't seen one all summer. Brunell said we will be interviewing for a new police chief on September 25. L. King question cost of both water and another for DPW worker. He was told that the other proposal was \$89 thousand.

Village of Byron  
Regular Council Meeting Minutes  
September 14, 2015

M. Reed asked about burials and Brunell said we do have protocol in place for that; we have one this week. D. Woodard asked about turning his water on. Brunell moved that we go into closed session to discuss the written legal opinion regarding Officer Crooks; seconded by Miller. Roll Call: Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed. Closed session at 8:50 pm. Meeting resumed at 9:17 pm and Miller motioned to hire attorney J. K. Harris for independent investigation regarding legal opinion; seconded by Prestonise. Roll Call: Roll Call: Ayes- Orr, Berecz, Cole, Miller, Bessenbacher, Prestonise, and Brunell. No Nays - Passed.


Meeting adjourned at: Motion to adjourn at 9:20 pm by Miller; seconded by Orr. Voice Vote: Ayes- Prestonise, Bessenbacher, Miller, Orr, Berecz, Cole and Brunell. No nays-passed.



Marsha Reed, Clerk

10/12/15

Date



Kit Brunell, President