



Village Of New Haven

P.O Box 480429 • 57775 Main Street
New Haven, Michigan 48048-0429
Phone: (586) 749-5301 • Fax: (586) 749-9055

Council Meeting Minutes
August 13, 2013
Page 1

Council Meeting Minutes
August 13, 2013

APPROVED
w/Collection
9-10-13
RSM

I. Call to Order/Pledge/ Prayer/Roll Call:

Meeting was called to order at 7:00p.m. and President Kincaid led the pledge of allegiance, Prayer by Trustee Davis, Council Members in Attendance:

Trustees:

Debra Hill
Jennifer Podgurski
Brett Harris
Jeremy Davis
Terry Tidwell
Daniel Stier

Absent: None

Also Attending:

President Jammie Kincaid
Clerk Deborah Mack
Attorney Robert Davis

II. Approval of Agenda;

Motion: Trustee Podgurski

August 13, 2013
I make a motion to adopt the ~~July~~ 9, 2013 agenda as amended. Move item #B-Rizzo Host Agreement Resolution from Unfinished Business to Attorney Items #E, also (add) Item # F-Attorney presentation. Move items B, C & D from New Business (add) to Treasurers items #B Bank deposits, -discussion #C Tax Roll & Special Assessment Ordinance-Request for delivery-discussion and item #(D) ACH & Electronic Transactions-discussion/action. Unfinished Business omit #A unto September. New Business Item #A included with President Items #C.

Second: Trustee Tidwell

Vote: All ayes- motion carried

III. Public comments on Agenda items: Greta Jackson

IV. Public Hearing -None

V. Approval of Minutes

a. June 11, 2013, Council Meeting Minutes

a) Motion: Trustee Podgruski

I make a motion to adopt June 11, 2013 minutes.

Second: Trustee Tidwell

Vote: Roll call 6 ayes, 1 nay-Kincaid motion carried.

b. July 09, 2013 Council Meeting Minutes

a) Motion: Trustee Hill

I make a motion to table the July 09, 2013 minutes.

Second: Trustee Tidwell

Vote: Roll call, 5 ayes-Tidwell, Hill, Davis, Podgurski and Kincaid, 2 nays-Stier and Harris, motion carried.

V. Consent Agenda - action (Motion to accept consent agenda as presented)

- | | |
|--|--|
| a. Police Report submitted
Police Committee | J. Treasurer-no report |
| b. Fire Report submitted
Fire Committee | k. Building Department |
| c. DPW Report submitted
Sewer & Water Committee | l. Committee on Streets-no report |
| d. Planning - no report | m. Committee on Health & Nuisance
no report |
| e. Parks & Recreation - no report | n. Senior Citizen's Group-no report |
| f. Ways & Means - no report | o. Food Bank-no report |
| g. Employee Relations-no report | p. EMS Report - no report |
| h. Cemetery-no report | q. Clerk's Report |
| i. Smart-no report | |

Check Register total for the Month of July, 2013 \$234,065.20, Presidents approval for the month of July, 2013, \$135,928.27 Payroll for the month of July, 2013 \$30,283.95 and Cost from Payroll, \$9,540.26. Total for the month of July, 2013 \$175,752.48.

Motion: Trustee Harris

To accept the Consent agenda as presented.

Second: Trustee Davis

Vote: Roll Call 4 ayes, Harris, Stier, Davis, Kincaid, 3 nays, Tidwell, Podgurski, Hill, motion carried.

VI. President's Items:

a) Recreation Plan

President informed Council that at the September, 2013 Planning Commission a Recreation Plan will be presented. A plan must be in place by April, 2014 in order to eligible to apply for grants and a Recreation Board must be appointed. Patrick Meagher will be sending out an outline that we need to follow before the next meeting.

b) Grass Cutting (blight/nuisance)

Mr. Chris Dilbert presented Council with areas in the Village that needed immediate attention for grass cutting. He made a list of properties that needed to be cut and he supplied Council with two bids. Currently we do not have a process for cutting vacant areas.

Motion: Trustee Podgurski

I make a motion to hire John Scott in the amount of \$1,600.00 to brush hog the 40 acre lot in conjunction with Trustee Hill seeing the bill from last year.

Second: Trustee Harris

Vote: Roll call, 5 ayes, Podgurski, Davis, Harris, Stier and Kincaid, 2 nays, Hill and Tidwell, motion carried.

c) Smart Trips

Mrs. Jeannette Mack is requesting to use SMART funds for a trip to Kings Island and the Columbus Zoo.

Motion: Trustee Davis

I make a motion to allocate \$1,200.00 out of SMART funds for a Columbus Zoo trip on September 7, 2013.

Second: Trustee Stier

Vote: Roll call, 6 ayes, Podgurski, Stier, Davis, Hill, Harris and Kincaid, 1 nay, Tidwell, motion carried.

Motion: Trustee Podgurski

I make a motion to allocate \$1,600.00 out of SMART funds for a trip to Kings Island on September 28, 2013.

Second: Trustee Stier

Vote: Roll call 6 ayes, Podgurski, Stier, Hill, Davis, Harris, and Kincaid, 1 nay, Tidwell, motion carried.

d) 2013 Tax Reverted Property increase by \$17.00

Motion: Trustee Hill

I make a motion to rescind the vote to purchase the 2013 Tax Reverted Property.

Second: Trustee Tidwell

Vote: Roll call 3 ayes, Davis, Hill, Tidwell, 4 nays, Podgurski, Harris, Stier and Kincaid, motion failed.

Motion: Trustee Hill

I make a motion to have the property to stay in escrow until the issue is resolved.

Second: Trustee Tidwell

Vote: Roll call 2 ayes, Hill and Tidwell, 5 nays, Podgurski, Harris, Stier, Davis and Kincaid, motion failed.

VIII. Attorney Items:

a) Water Ordinance Amendments-discussion/action

Attorney Davis is looking for Council to submit any changes they may have concerning the Water Ordinance.

Motion: Trustee Podgurski

I make a motion to table until September, 2013 meeting.

Second: Trustee Stier

Vote: Roll call, 6 ayes, Harris, Hill, Stier, Podgurski, Tidwell and Kincaid, 1 nay Davis, motion carried

b) Track 26 on Court Order/discussion

Attorney Davis gave a brief overview of the Court case on Track 26 which has been extended for another thirty days and has to appear on August 29, 2013 for a status conference.

c) Amendment to Ordinance on Quarterly payments-discussion/action

Attorney Davis supplied Council with the new Ordinance 317 to repeal Ordinance 267 & 290 stating that quarterly payments will be paid on the second pay of the quarter and adjusting the Treasurer's salary.

Motion: Trustee Hill

I make a motion to adopt Ordinance 317 as presented.

Second: Trustee Podgurski

Vote: Roll call 6 ayes, Hill, Podgurski, Stier, Davis, Tidwell and Harris, 1 nay-Kincaid, motion carried.

d) Rental Ordinance-dated May 21, 2013 Update-discussion

Attorney Davis stated he presented this Ordinance in May and hasn't received any input from Council except Trustee Harris. I recommend Council take a look at this Ordinance so it will keep you informed of who's property is being rented in your community.

Motion: Trustee Hill

I make a motion to adopt the Rental Ordinance as presented.

Second: Trustee Podgurski

Vote: Roll call, 4 ayes, Podgurski, Hill, Davis and Kincaid, 3 nays, Harris, Tidwell, and Stier motion carried.

e) Rizzo Update-discussion

Trustee Hill read a lengthy statement from the General Law Village-Annexation to be included as a matter of record concerning the Host agreement asking that the Council rescind their motion made by Trustee Davis and seconded by President Kincaid.

Motion: Trustee Hill

I make a motion to rescind the motion made by Trustee Davis and seconded by President Kincaid, 5/2 vote to execute a Host Community agreement with Rizzo and the State of Michigan looking to explore options of moving forward.

Second: Trustee Tidwell

President Kincaid asked that Trustee Hill suspend her motion for procedural reasons according to Council Procedures until later, Trustee Hill agreed.

Vote: Roll call 4 ayes, Harris, Podgurski, Stier, and Kincaid, 3 nays Hill, Davis, and Tidwell motion carried.

Motion: Trustee Hill

I make a motion to rescind the motion made by Trustee Davis and seconded by president Kincaid by 5/2 vote to execute a Host Community agreement with Rizzo and the State of Michigan looking to explore options of moving forward.

Second: Trustee Tidwell

Vote: Roll call All ayes, motion carried.

President Kincaid recessed the meeting at 8:17 pm for 5 minutes to return at 8:22pm

f) Attorney Presentation:

Attorney Davis presented Council with his letter of resignation as Village Council as of August 31, 2013.

Motion: Trustee Hill

I move to accept, receive and file the resignation of our current Village Attorney, Robert Charles Davis, effective August 31, 2013 and that we authorize Mr. Davis to work with a new attorney for a beneficial transition and that the transition on criminal prosecutions take place December 31, 2013.

Second: Trustee Podgurski

Vote: Roll call, 5 ayes, Hill, Podgurski, Davis, Stier and Kincaid, 2 nays Harris and Tidwell, motion carried.

Motion: President Kincaid

I motion that we hire O'Reilly Rancilio law firm in the interim while we go forth with an RFP for a Village Attorney.

Second: Trustee Podgurski

Roll call, 3 ayes, Harris, Podgurski and Kincaid, 4 nays Hill, Davis, Stier and Tidwell, motion failed.

Motion: Trustee Hill

I make a motion to move forward with the RFP that was presented to the board earlier this year and we post it in the newspaper as required under our ordinances.

Second: Trustee Tidwell

Vote: No Vote

Motion: Trustee Hill

I make a motion hold a non-paid special council meeting on Friday, August 16, 2013 at 7:00pm, to discussion the RFP for Village Attorney.

Second: President Kincaid

Vote: Roll call, all ayes, motion carried.

IX. Approval of Payment of Bills to be Paid-discussion/action

Motion: Trustee Davis

I make a motion to approve the payment of bills in the amount of \$64,162.91.

Second: Trustee Stier

Vote: Roll call, 4 ayes, Davis, Stier, Harris and Kincaid, 3 nays Hill, Tidwell and Podgurski, motion carried.

X. Clerk's Items:

- a) Agenda items for September 10, 2013 meeting will be due on September 2, 2013.
- b) Ways and Mean scheduled completed as requested

- c) Clerk Mack turned over to the Treasurer petty cash received from the former Police Secretary, Karen Herman.

XI. Treasurers report on Finances-discussion/action

- a) Treasurers Report

Motion: Trustee Harris

I motion to receive and file the Treasurer's report as of 7/31/2013 in the amount of \$3,274,872.47.

Second: Trustee Davis

Vote: All ayes, motion carried

- b) Tax Roll and Special Assessments Bank Deposit

Treasure Passeno asked for the special tax assessment and that is what she was given by Clerk Mack.

- c) ACH Policy & Electronic Policy-Treasurer Passeno recommendations attached to minutes. (see attached)

Motion: Trustee Hill

Remove President Jammie Kincaid from all village banking accounts. Place Trustee Terry Tidwell on all accounts as co-signer. Appoint and read into the minutes that... Treasurer Selena Passeno is the Village's Financial Corporate Secretary and as such has the authority to re-secure all misplaced village financial assets, re-establish banking account security, signature cards and authorization to delegate account access to appropriate village employees to conduct their duties. Trustee Davis (Friendly Amendment- add President Pro Tempore Daniel Stier as a check signer- Rejected by Trustee Hill)

Second: Trustee Tidwell

Vote: Roll call 3 ayes, Tidwell, Podgurski and Hill, 4 nays, Davis, Stier, Harris and Kincaid, motion failed.

Motion: Trustee Hill

Remove President Jammie Kincaid from all village banking accounts. Appoint and read into the minutes that... Treasurer Selena Passeno is the Village's Financial Corporate Secretary and as such has the authority to re-secure all misplaced village financial assets, re-establish banking account security, signature cards and authorization to delegate account access to appropriate village employees to conduct their duties.

Second: Trustee Podgurski

Vote: Roll call, 4 ayes, Hill, Davis, Podgurski and Tidwell, 3 nays, Harris, Stier and Kincaid, motion carried.

XII. Unfinished Business:

a) MERS Retirement Plan Resolution (negotiated item-no cost)-tabled/action requested

Motion: Trustee Harris

I make a motion to adopt the MERS Retirement Plan Resolution for the Clerical and DPW employees.

Second: Trustee Stier

Vote: 3 ayes, Harris, Stier and Kincaid, 4 nays, Hill, Podgurski, Tidwell and Davis, motion failed.

Motion: President Kincaid

I make a motion to reconsider the MERS Retirement Plan Resolution for adoption.

Second: Trustee Harris

Vote: Roll call, 4 ayes, Davis, Stier, Harris and Kincaid, 3 nays Hill, Podgurski and Tidwell, motion carried.

Motion: Trustee Davis

I make a motion to adopt the MERS Retirement Plan Resolution as stated in the DPW and Clerical contract.

Second: Trustee Stier

Vote: 4 ayes, Davis, Stier, Harris and Kincaid, 3 nays, Hill, Tidwell and Podgurski, motion carried.

XIII. New Business

a) Superintendent Dilbert-Act 51-Money to purchase sweeper-action requested
Superintendent Dilbert submitted three quotes for a new sweeper to be purchase from Act-51 which allowed by the State of Michigan.

Motion: Trustee Harris

I move that we purchase from Bell Equipment a sweeper in the amount of \$160,525.80 to be taken out of major and local street funds.

Second: President Kincaid

Vote: Roll call, 4 ayes, Stier, Davis, Harris and Kincaid, 3 nays Hill, Tidwell and Podgurski, motion carried.

b) Trustee Hill-Security Patrol-discussion

Trustee Hill wanted to inform Council about the break-ins occurring in Decora Park and Amherst and the enter community to increase security in all areas

c) Trustee Hill-Password on Copy Machine-discussion/action requested.

Trustee Hill wanted to know why a password is needed to make copies. Clerk Mack replied due to the excess copies and the overages in cost to the Village it was necessary.

Motion: Trustee Hill

I make a motion to remove the password from the copier.

Second: Trustee Tidwell

Vote: Roll call, 1 ayes, Tidwell, 6 nays, Hill, Harris, Stier, Davis, Podgurski and Kincaid, motion failed.

Motion: Trustee Hill

I make a motion to have a password to the copier (Harris-Friendly Amendment - that all Council members have a password-accepted)

Second: Trustee Stier

Vote: Roll call, all ayes, motion carried.

d) Trustee Hill-Copy Paper-discussion/action

Motion: Trustee Hill

I make a motion to keep paper in copier, available to make copies.

Second: President Kincaid

Vote: Roll call, 4 ayes, Tidwell, Podgurski, Stier, Hill 3 nays, Harris, Podgurski, Kincaid, motion carried. DAVIS

XIV. Call from the Floor:

R. Pannell, C. Dilbert-cashier checks not deposited, J. Koers, S. Hunter-does not want Track 26 in operation, A. Astohome, J. Koistinen, Chief Jenks-received grant, G. Drake

XV. Call from the Table: Trustee Harris

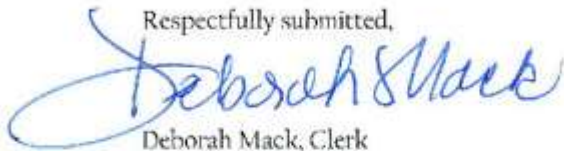
XVI. Adjournment:

Motion: Trustee Podgurski
To adjourn the meeting at 10:04pm

Second: President Kincaid

Vote: All ayes, motion carried

Respectfully submitted,



Deborah Mack, Clerk
Village Of New Haven