



Village Of New Haven

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Council Meeting Minutes December 10, 2013

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

The meeting was called to order at 7:02p.m and President Kincaid led the pledge of allegiance, Prayer by Clerk Mack, Council Members in Attendance:

Trustees:

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

Attorneys: Al Adidas and Thomas Esordi

Also Attending:

President Jammie Kincaid
Clerk Deborah Mack
Treasurer Passeno

II. Approval of Agenda;

Motion: Trustee Podgurski

I make a motion to adopt the December 10, 2013 agenda as amended.

ADD- Water Audit under Unfinished Business, Item #C

Second: Trustee Stier

Vote: All ayes- motion carried

III. Public comments on Agenda items: None

IV. Public Hearing -None

V. Approval of Minutes

a. November 12, 2013, Council Meeting Minutes

a) Motion: Trustee Podgurski

I make a motion to approve the November 12, 2013 Council Minutes.

Second: Trustee Davis

Vote: All ayes, motion carried.

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

- | | |
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| 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 November, 2013 \$184,058.14, Presidents approval for the month of November, 2013, \$85,188.93 Payroll for the month of November, 2013 \$27,655.89 and Cost from Payroll, \$9,406.65. Total for the month of November, 2013 \$122,251.47.

Motion: Trustee Hill

I make a motion to accept the consent agenda as presented.

Second: Trustee Tidwell

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

VI. President's Items:

a) Clerical Position/vacation pay

President Kincaid presented the issue of Melissa McGarry vacation pay, whether she is entitled to 3 week vacation beginning January 1, 2013 or does she wait until after the fiscal year which begins April 1, 2014 as the clerical contract states. Discussion ensued.

Motion: Trustee Harris

I make a motion to allow legal counsel and the union representative to take a look at this situation before making any decision.

Second: Trustee Davis

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

Motion: Trustee Davis

I make a motion that we sign a new letter that she keeps her seniority and receive all pay out that he believed council intended is due as of 4-1-13 and receive her three week vacation.

Second: Trustee Podgurski

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

b) Construction Board of Appeals

President Kincaid stated that currently we do not have a Construction Board of Appeals and the State requires that we establish one. President Kincaid requested that Attorney Esordi prepare the necessary paper work and bring to the January, 2014 meeting for Councils approval.

Motion: Trustee Hill

I make a motion that the Village establishes a Construction Board of Appeals.

Second: Trustee Tidwell

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

VIII. Attorney Items:

a) New Haven Town Center

President Kincaid called for a motion to go into Executive closed session to discuss the potential litigation concerning the New Haven town center at 7:32pm.

Motion: Trustee Davis

I make a motion to go into Executive closed session for the purpose of discussing the potential litigation concerning the New Haven town center.

Second: Trustee Podgurski

Vote: Roll call all ayes, motion carried.

President Kincaid called for a motion to re-enter into open session at 8:08 pm.

Motion: Trustee Pogurski

I make a motion that re-enter into open session at 8:08pm

Second: Trustee Davis

Roll call, all ayes, motion carried.

Motion: Trustee Hill

I make a motion to authorize legal counsel to proceed as discussed in close session.

Second: Trustee Harris

Vote: Roll call, all ayes, motion carried.

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

Motion: Trustee Podguski

I make a motion to approve the payment of bills in the amount of \$73,698.89.

Second: Trustee Harris

Vote: Roll call, all ayes, motion carried.

X. Clerk's Items:

- a) Agenda items for January 14, 2014 meeting will be due on January 6, 2014.
- b) Questions concerning due dates on payment of bills.

Clerk Mack asked that Council concern allowing the monthly bills which are due before the Council meetings be paid in a timely matter before late fees occur.

Attorney Esordi will prepare a resolution for Council to approve at our January 14, 2014 meeting.

XI. Treasurers report on Finances-discussion/action

- a) Treasurers Report-Treasurer Passeno reviewed the Treasurer's report.

Motion: Trustee Davis

I motion to receive and file the Treasurer's report as of 11/30/2013 in the amount of \$3,274,688.12.

Second: Trustee Podgurski

Vote: Roll call all ayes, motion carried

XII. Unfinished Business:

- a) Trustee Harris-Sewer Debt- Pinewood Housing-Master Meter, PNC Bank Accounts, Bank of America CD, Parks and Recreation Plan, Letters to legal counsel.

- i) Trustee Harris is asking if a resolution has been prepared so the monthly billing process will go forward beginning January 1, 2014. Attorney Esordi stated he prepared two paragraphs to be included with the Ordinance #320 prepared by Attorney Davis which will also cover the sewer debt.

Motion: Trustee Harris

I make a motion to amend the amended Water Ordinance #320 to include the two paragraphs prepared by Attorney Esordi including the Sewer debt.

Second: Trustee Tidwell

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

- ii) Pinewood Housing-Master Meter

Trustee Harris is asking by recommendation of the ways and means committee that a letter be sent by the Village attorney to Pinewoods Housing that a master meter be installed by March 31, 2014.

Motion: Trustee Harris

I make a motion that the Village attorney prepare a letter requesting that the Pinewood Housing install a master meter by March 31, 2014.

Second: Trustee Podgurski.

Vote: Roll call, all ayes motion carried.

iii) PNC Bank Accounts

Trustee Harris is requesting of the Treasurer a copy of all remaining CD's and Bank accounts left at PNC.

iv) Bank of America-CD

Trustee Harris asked if the questions involving the Bank of America CD get resolved. The Bank requested that a letter be sent to the former Treasurer asking her to relinquish any claim to the Village assets. Attorney Esordi stated that if the former Treasurer, Mitz Walker doesn't relinquish the assets there are a number of methods to return the CD back to the Village control. Trustee Harris asked whose name would go on the CD and the Council agreed that it would be the Treasurer, Clerk and Trustee Podgurski.

v) Parks and Recreation Plan

Trustee Harris stated that by not having a Parks and Recreation Plan in place we are missing out of thousands of dollars in funding. President Kincaid stated that he is looking into allowing Macomb County Planning to work with the Village on our Parks and Recreation Plan at a cost of around \$500.00 per month. Macomb County Planning will do a presentation at our January, 2014 meeting. Macomb County Planning has all the staffing and grant writers to assist the Village, in creating a Parks and Recreation Plan. President Kincaid shared with Council that Mr. Meagher is planning on submitting his resignation to the Village due to other commitments.

Motion: Trustee Hill

I make a motion that we accept the Planners, Mr. Meagher resignation.

Second: Trustee Tidwell

Vote Roll call, all ayes, motion carried.

vi) Letters to Legal Counsel

Trustee Harris is recommending that letters be sent immediately to the Village former legal counsel, Attorney Robert Davis, thanking him for his years of service and any outstanding files be turned over to our new Attorney O'Reilly Rancilio, and also a letter to Attorney Pete Peacock informing him of our new legal firm.

b) Mr. George Drake-Construction Board of Appeals

Mr. Drake stated that since June 10, 2013 he has been asking to go before the Construction of appeal board. Mr. Drake suggested that he be allowed to go before the board at Lenox or Macomb Township, since the Village does not have a current construction board and get a resolution in this matter. Mr. Drake also stated that he has lost over six months in dealing with this issue without a resolution. Attorney Esordi agreed to review the construction board of appeals process in Macomb Township.

c) (Add) Trustee Podgurski-Water Audit

Trustee Podgurski is calling for a water audit. President Kincaid asked Treasurer Passeno to obtain three quotes from companies for a water audit.

Motion: Trustee Podgurski

I make a motion to allow Treasurer Passeno to obtain three quotes and bring them back to the January meeting.

Second: Trustee Tidwell

Vote: Roll call, all ayes, motion carried.

XIII. New Business-None

XIV. Call from the Floor: None

XV. Call from the Table: Trustees, Harris, Davis,

XVI. Adjournment:

Motion: Trustee Hill

To adjourn the meeting at 9:09pm

Second: Trustee Podgurski

Vote: All ayes, motion carried

Respectfully submitted,

Deborah Mack, Clerk
Village Of New Haven

Access date: 12/18/2013 4:50 PM

Unofficial Community Draft