



Village Of New Haven

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Council Meeting Minutes
February 11, 2014

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

The meeting was called to order at 7:03p.m and President Kincaid led the pledge of allegiance, Prayer by Trustee Davis, Council Members in Attendance:

Trustees:

Debra Hill
Jennifer Podgurski
Brett Harris
Jaremy Davis
Terry Tidwell

Absent:

Daniel Stier-(Family Bereavement)

Attorneys: Thomas Esordi

Also Attending:

President Jammie Kincaid
Clerk Deborah Mack
Treasurer Passeno

II. Approval of Agenda:

Motion: Trustee Harris

I make a motion to adopt the January 14, 2014 agenda as amended.

Second: Trustee Davis

Vote: 6 ayes, absent-Stier- motion carried

III. Public comments on Agenda items: None

IV. Public Hearing -None

V. Approval of Minutes

a January 14, 2014, Council Meeting Minutes

a) Motion: Trustee Podgurski

I make a motion to approve the January 14, 2014 Council Minutes as amended.

Second: Trustee Tidwell

Vote: 6 ayes, Davis, Harris, Hill, Podgurski, Tidwell and Kincaid, absent Stier, 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 January, 2014 \$135,317.01, Presidents approval for the month of January, 2014, \$10,304.04 Payroll for the month of January, 2014 \$30,682.98 and Cost from Payroll, \$12,052.03. ADP charges, \$140.70. Total for the month of January, 2014, \$167,888.68.

Motion: Trustee Hill

I make a motion to table the consent agenda, with the exception-moving check register to new business, item #b

Second: Trustee Podgurski

Vote: Roll Call 5 ayes, Davis, Hill, Podgurski, Tidwell and Kincaid, 1 nay-Harris, absent-Stier, motion carried

VI. President's Items:

a) 2012/2013 Audit Contract Addendum-action requested

President Kincaid reviewed the request from the State of Michigan asking for 75 additional hours at a cost of \$99.00 per hour totaling \$7,425.00 to complete the audit due to the accusations made by the Treasurer.

Motion: Trustee Harris

I move that we approve the addendum/contract as presented by the State of Michigan to complete the 2012 and 2013 audit.

Second: Trustee Davis

Vote: Roll call, 6 ayes, absent/Stier, motion carried.

b) IFT-Basic Metal-Public Hearing

Camille Silda from Macomb County Planning explained that Basic Metal appealed to the State of Michigan concerning the tax abatement rejection and the State over turned the Villages decision. The Village at this time must decide on the length of the abatement 1 – 12 years.

Motion: Trustee Harris

I move that we grant Basic Metals one year of the abatement.

Second: Trustee Tidwell

Vote: Roll call, 4 ayes, Harris, Hill, Podgurski and Tidwell, 2 nays, Davis and Kincaid, -absent-Stier, motion carried.

IDD-Sturdy Grinding-Public Hearing

Camille Silda from Macomb County Planning explained that Sturdy Grinding is asking that their parcels be included in the Industrial Development District. A public hearing needs to be set in order for Sturdy Grinding to present their request before the Council.

Motion: Trustee Harris

I move that we set a public hearing for March 11, 2014 at 6:00pm for Sturdy Grinding.

Second: Trustee Hill

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

c) Bonding Elected Official-

President Kincaid stated he will be working with legal counsel to have all elected officials bonded, especially the Clerk and Treasurer. MML carries insurance; however he is looking into additional bonding.

d) Termination Agreement

President Kincaid is requesting authority to sign the Termination and Mutual Release Agreement with Rizzo.

Motion: Trustee Podgurski

I make a motion to allow President Kincaid to sign the release agreement with Rizzo.

Second: Trustee Davis

Vote: Roll call, 6 ayes, absent-Stier, motion carried

e) Planning Commission appointment

President Kincaid is working with Attorney Esordi to present an ordinance to reduce the Planning Commission to five members, four at large and one liaison from council.

VIII. Attorney Items:

a) Construction Board of Appeals Guidelines

Attorney Esordi presented a draft of the Construction Board Appeals guidelines for review. President Kincaid named the individual selected to sit on the board, Bill Thompson, Lehner Engineering, Gordie Wilson AEW Engineering and Greg Icobelli, Developer. Attorney Esordi recommended that the draft guidelines be review by the selected committee and returned, with changes for the March, 2014 meeting.

b) Ordinance on Bill Payment

Attorney Esordi presented an Ordinance for Recurring Fluctuating Invoices to be paid prior to the formal Council meeting.

Motion: Trustee Tidwell

I make a motion to table.

Second: Trustee Podgurski

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

c) Waste Management Contract-

Attorney Esordi stated he had contacted Waste Management and he is waiting a copy of the contract signed in 2012 before further action is taken.

d) Union Grievances

Attorney Esordi suggested that the union grievances be discussed in close session.

Motion: Trustee Davis

I make a motion to enter into closed session to discuss pending litigation concerning union grievances. Time 8:08pm.

Second: Trustee Podgurski

Vote: Roll call, 6 ayes, absent-Stier, motion carried.

Motion: Trustee Hill

I make a motion to re-enter into open session to discuss a pending item also in closed session. Time 8:09pm.

Second: Trustee Podgurski

Vote: Roll call, 5 ayes, 1 nay-Harris, absent-Stier, motion carried.

Motion: Trustee Podgurski

I make a motion to go into closed session regarding possible litigation for union grievances and the new haven town center written legal opinion. Time 8:10pm.

Second: Trustee Hill

Vote: Roll call, 5 ayes, 1 nay-Harris, absent-Stier, motion carried.

President Kincaid reconvened the regular meeting at 8:53pm.

Motion: Trustee Podgurski

To authorize legal counsel to proceed with negotiating all union grievances as discussed.

Second: Trustee Harris

Vote: Roll call, 6 ayes, absent-Stier, motion carried.

Motion: Trustee Podgurski

Authorize legal counsel to proceed on the December 9, 2013 written opinion as discussed for the New Haven Town Center.

Second: Trustee Harris

Vote: Roll call, 6 ayes, absent-Stier, motion carried.

f) Trustee Podgurski-Procedure Issues

Trustee Podgurski went to the podium and read a statement concerning procedure issues.

Motion: Trustee Podgurski

I make a motion for a full investigation of this and a special meeting be held on Tuesday, February 18, 2014 at 7:00pm to be conducted by this Council to come to a decision on how to proceed with the disciplinary action, this is why it's now in front of this Council.

(Friendly Amendment-Hill-accepted) Meet with the Attorney to discuss your findings after that meeting a closed session meeting will take place at a special meeting on February 19, 2014

Second: Trustee Hill

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

Motion: Trustee Hill

I make a motion that council go into closed session with the council, village attorney to look into the allegations presented by Trustee Podgurski to see if there is any merit in her allegations and based on those allegations action will be taken by this council.
(Friendly Amendment-Kincaid-accepted) Address this issue at our March 11, 2014 Council meeting instead of paying for a special meeting.

Second: Trustee Podgurski

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

Motion: Trustee Podgurski

I make a motion to put this back on the agenda for the March 11th meeting (doesn't have to go into closed session at that point unless requested by the employee). At that point I would like to have

Council please advise Attorney to set up a meeting with me next week regarding the discussion.

Second: Trustee Hill

Vote: Roll call, 6 ayes, absent-Stier, motion carried.

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

Motion: Trustee Harris

I make a motion to approve the payment of bills in the amount of \$130,069.56.

Second: Trustee Podgurski

Vote: Roll call, 4 ayes, Tidwell, Davis, Harris, and Kincaid, 2 nay Podgurski and Hill, absent-Stier, motion carried.

President Kincaid requested that Community Planning be paid in the amount deducted from last month payment- (\$1,996.50) submitted to the Attorney upon the receipt of the Master Plan, Recreation Plan and Village By-laws for the Planning Commission.

Motion: Trustee Podgurski

I make a motion to pay Community Planning in full upon the receipt of the Master Plan, Recreation Plan and Village By-laws.

Second: Trustee Harris

Vote: Roll call, 5 ayes, 1 nay-Hill, absent-Stier, motion carried.

For the Record: Trustee Harris stated that he did want to receive a blank disc and then we hand over the check, he wants to make sure we receive all requested documents.

X. Clerk's Items:

- a) Agenda items for March 11, 2014 meeting will be due on March 4, 2014
- b) Set Public Hearing for the 2014/2015 Proposed Budget and Millage-action requested

Motion: Trustee Harris

I move we set a public hearing for the 2014/2015 proposed budget and millage for 6:30pm March 11, 2014.

Second: Trustee Podgurski

Vote: 6 ayes, absent-Stier, motion carried

- c) Plante Moran contract extension

Clerk Mack informed Council on the Contract with Plante Moran ends March 31, 2014.

- d) State of Michigan Audit Extension-

Clerk Mack informed Council of the expiration of the State of Michigan contract.

XI. Treasurers report on Finances-discussion/action

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

Motion: Trustee Tidwell

I motion to receive and file the Treasurer's report as of 1/31/2014 in the amount of \$3,664,079.55.

Second: Trustee Harris

Vote: Roll call 4 ayes, Hill, Davis, Harris, Tidwell, 2 nays, Podgurski and Kincaid, absent-Stier, motion carried

XII. Unfinished Business:

- a) Trustee Harris-Building Security

Trustee Harris supplied council with a report from Guardian Alarm Company informing them of elected officials in the building at 1:00am, 2:00am, 3:00am and triggering the alarm and DPW personal being paid for 3hrs to secure the building. Trustee Harris suggested that the building be closed at a set time.

- b) Trustee Harris-Water Billing

Trustee Harris is requesting that if the quarterly newsletter is not going out, then a letter to all water bill residents stating a change is coming and there are no exceptions and no agreements will be accepted after March 31, 2014. All department heads should be notified that a newsletter will be going out if they would like to place anything in it.

- c) Trustee Harris-Police Report

President Kincaid supplied Trustee Harris and Council with the police report he inquired about.

XIII. New Business

- a) (add)Trustee Hill-Sprinkler meter-discussion only

Trustee Hill provided a sprinkler policy to Council, discussion ensued.

b) (add) Consent Agenda-Check Register

Motion: Trustee Harris

I move that we approve the check registry as presented.

Second: Trustee Podgurski

Vote: Roll call, 4 ayes, 2 nays Hill and Podgurski, absent-Stier, motion carried.

XIV. Call from the Floor: M. Kaake, J. Koers, S. Koers

XV. Call from the Table: Trustees Hill, and Davis

XVI. Adjournment:

Motion: Trustee Tidwell

To adjourn the meeting at 10:08pm

Second: Trustee Podgurski

Vote: All ayes, motion carried

Respectfully submitted,

Deborah Mack, Clerk
Village Of New Haven

Access date: 2/25/2014 11:09 AM