

**VILLAGE OF GOODRICH
REGULAR COUNCIL MEETING
April 11, 2011, 7:00 PM
MINUTES**

Called to order to 7:00 PM

Present: Jackson, McAbee, Wartella, Morey, Horton, Clerk Schierup. Attorney Robb.

Absent: None

Approval of Agenda

MOTION: To approve agenda with the removal item 4. Indemmification of council member personal expenses, and the addition of item 4. Mill pond under new business

Moved by Jackson, seconded by McAbee

Jackson, McAbee, Wartella voting in the affirmative, no opposition vote called.

Minutes, Regular Mtg., March 14, 2011

MOTION: To approve.

Moved by Wartella, seconded by Jackson

Jackson, McAbee, Wartella voting in the affirmative, no opposition vote called.

Treasurer's Report

MOTION: To approve.

Moved by McAbee, seconded by Jackson

Jackson, McAbee, Wartella voting in the affirmative, no opposition vote called.

Bills and Transfers

MOTION: To approve.

Moved by Wartella seconded by Jackson

Jackson, McAbee, Wartella voting in the affirmative, no opposition vote called.

PUBLIC COMMENT:

Dan Coldren Hawthorne Ridge read the following statement

Subject village of Goodrich Attorneys, our tax dollars at work

On Nov. 8th, 2010 at the monthly village meeting, Mrs. Wartella, Mr. McAbee and Mr. Jackson voted in favor of firing the current village attorney of 20 plus years, Mr. McKenney, for no apparent reason, in favor of Mr. Jack Belzer, a person Mr. Morey, Mr. Horton, and I can honestly say most people in attendance, had never heard of or ever met. Keep in mind the village was currently in a lawsuit at the time. Here is some information I would like to share with you since that took place.

At the next month's meeting, Dec. 13, Mr. Belzer, our new attorney was introduced. That was the last time Mr. Belzer was at a monthly meeting. Since that time he has sent representatives to fill in for him.

By the way these lawyers don't even work for Mr. Belzer. They are self-employed lawyers who can be hired by Mr. Belzer. To the best of anyone's knowledge, Mr. McKenney represented himself and only himself for the village services. From Jan. 1, 2009 thru Dec. 31 2010, we had 24 monthly meetings, 5 were attended for legal issues by Mr. McKenney, for approximately one hour per meeting. At no time did he sit through the entire meeting. Our village manager, Jakki Sidge made sure of that. Since Mr. Belzer was introduced at the Dec. 13 meeting, there has been an attorney at each meeting, from the beginning to the end of the meeting at a rate of \$125.00 an hour. The Dec. 13th meeting cost us \$375.00. "Our tax dollars at work". Because I've attended many meetings since I moved to Goodrich in 2002, I've notice something kind of unusual, in my opinion. Mr. McKenney always sat next to the village manager, Jakki Sidge, during the meeting, since our new council was put in place, the attorney now sits next to our village president, Mrs. Wartella. This was the case even when our village manager was still here. Why I ask? Our past village president, Mr. York didn't have this luxury. During the months of Dec. 2010 thru Feb, 2011,(3) months, there have been 19 contacts between our new attorney and Mrs. Wartella—concerning village issues. This is according to the current legal bills that have been submitted. We have not been billed for March, 2011, yet. Normal protocol is to contact the village manager first in regards to issues and if need be the council president and/or other council members. Something is wrong here. The concern about village spending and proper procedures to be followed pertaining to how to run the village, conduct a monthly meeting, or just the "right things to do", are, in my opinion being ignored. In closing I would encourage you to do the right thing May 3rd. The future of our village is at stake.

Ida Saroli Mill Pointe Drive, read the following information

Mill pond maintenance, Request: Council to Provide Written notice on the maintenance of the mill pond in the event the current DPW and current personnel will no longer monitor the pond
Concerns, Monitoring of the dam and pond is crucial(Flood during 1970's supports the importance of monitoring the dam). Liability of the management of the pond is with the Village of Goodrich, Endangerment to life and property, Affect property values, Focal point of the Village, Natural habitat for swans, mergansers, ducks, geese, blue herons, turtles, different types of birds, etc., State would shut down the dam and drain the pond, Ownership reverts back to Flint
Deed, Mill Pond was deeded (date of deed 10/30/1970) to the Village of Goodrich, Village paid \$5000.00 for the pond, Stipulations: Except for the purpose of repairing dam, the impounded water(water held back by the dam) is to remain. In the event conditions are breached, the Pond will revert back to Flint. According to an article in the Flint Journal dated August 22, 1970, Debate between the Village and Flint on who owned the pond, a title search proved Flint owned the pond, Flint had threatened to make it a landfill area.

Current Management of the Mill pond, Monitored daily above and below the dam., Continual look out for logs/debris that may affect the function of the gates., Monitor the high and low water marks, Spring/rainy season, requires leaving gates open slightly due to potential rain (reduce water pressure on gates), Bridges (5) are inspected to determine if there is an accumulation of water in low areas, indication that additional monitoring of the dam is required, Issues with gates, may require two individuals to enter the water (with harnesses) to pull the gates up or clear anything may be affecting the function of the gates

DEQ, the Department of Environmental Quality has made it very clear that if the Mill Pond is not monitored and results in flooding which endangers the lives of individuals and properties (especially) downstream, the State will shut down the dam and proceed with draining the pond.

Environmental Engineer stated: "It would be in the interest of the Village to make sure that the operator, whoever it turns out to be, is well enough trained in order to operate the dam safely, especially during high flow events. The liability for damage caused by the improper operation of the dam could lie with the Village. In Closing, after becoming more informed on the tasks to monitor the mill pond, and what the ramifications could be if not done properly, has given me a better sense of the gravity of the responsibilities. I want to personally thank the current DPW for watching over the Mill Pond as closely as they have and hope their experience will be a major factor in the Council's decision. Because, I just do not know who else would be available 24/7.

Janet Burt Pontiac St. – Stated that the residents have been fed a stream of misguided information regarding the village finances. The village has never run in a deficit mode and is not running in the red. One can check the facts at the State of Michigan Treasury website and look under annual audits for any municipality and find what the general fund balances are. They have been healthy over the last seven years. They started out at roughly \$270,000.00 and ended at \$280,000.00. Over that amount of time money was spent on needed improvements for infrastructure and the bottom line was still healthy. Fiscal indicating are scores, a neutral score, an on watch score and a fiscal stress scores. The Village of Goodrich scores have always been in the neutral zone. This does not sound like a village in ruin, in fact nothing could be further from the truth. There was a meeting held not long after the last village election called "Public Information". It was a side thing. The figures given here were in essence represented the sewer fund, not the general fund. You may want to pull out a dictionary and look up proprietary because the people who presented this information did not have a clue that the sewer system bond was still being paid off to the tune of \$250,000.00. This was not the general fund it was the sewer fund and in fact these people did not even notice, how sad. Mrs. Wartella you are intent on dissolving the village from the inside. It's pretty clear. It's a sad fact that you will never be forthcoming with the residents as to the legalities of a village dissolved. The reality is if the village is dissolved then the current village property tax we are paying will be reverted to Atlas Township as a special assessment fee and where will those fees go? None of us know. I don't think that you Ms. Wartella want to be the one to explain to village residents that special assessment fees cannot be claimed on their income tax. Concerned residents should be able to make informed decisions based on facts and you have done nothing but distort them. The fact is you have misled the taxpayers.

Richard Saroli Mill Pointe Drive, - stated he was aware that Plante Moran continues the study of the Village and that the study could result in unintentional consequences that may not be looked into. We do not address projected things that may happen when there is an opportunity to save money. If perhaps the DPW is gone and someone else is used to handle their job, I hope that Plante Moran understands that some of the unintended consequences could result in the loss of the pond.

Don Emch Mill Pointe Drive, stated that the village pays an average of \$26,000 per year per employee with full health benefits and six paid holidays per year while some residents are losing their homes due

to foreclosure because of the high rate of their property taxes. Our new villager council members, Mrs. Wartella and Mr. McAbee approached Atlas Township to take over, investigate what the cost for them to take over building inspections, code enforcement, sewer charge collection and village tax collection to consolidate our taxes and save village taxpayers money which we already pay township taxes in addition to the village taxes. Wartella, McAbee and Jackson are not using scare tactics to convince residents that the village is going broke the truth of the matter is that if we continue the old status quo we're just paying more taxes than we have to. If we can consolidate some with Atlas township the village residents of Goodrich will be the ones to benefit. This is not about whether the council salaries are in line or not Keith, it's about consolidating services where possible and lowering village taxes. No one wants to see the village dissolved. No one wants to see our DPW gone. I question sometimes whether we need 3 full time employees for one square mile, however there are times when we probably do and other times when we don't. We certainly have got to question whether we need to pay a village gardener \$6,000.00 to work 3 months during the summer when maybe the DPW guys could do that. The Village government is not doing just fine. We are paying more for taxes than we need to. The Village is not being dissolved but the wasteful spending has got to stop. Patty is trying her best to bring more efficient Village government and hold the line on taxes. We were told that the Village employees received no pay increase but what were not told was that they received a percentage increase in their retirement. How many of you got increases in your income over the last four years. While some claim to want to save the old way of doing things in Goodrich, it is like shifting deck chairs on the Titanic. The only thing we're really trying to save is more for the taxpayer of the Village of Goodrich.

Angie Adamec, Dutch Road, stated that none of us has a problem with change. None of us has a problem with saving money. We do have a problem with ethics, how it's done behind closed doors. Change should be done at this table, in the open, in public with everyone discussing it, not with three members of the council calling all the decisions and then we read about it in the newspaper and we don't get it right here in front of us. This is where the change is going on. It's not being thought about. It's not being put in front of the public. It's been sneaky. I want to comment on the fiscal stress that Mrs. Wartella tells us we are under. At the Village council meeting on June 14, 2010 when this current budget that we are in was put upon the board for passing, Wartella looked at, approved and voted yes on. The budget that we are on now and that she now has a major problem with. The State of Michigan has a fiscal indicating score on line at "Michigan.gov". You can look it up and see what kind of financial condition the Village is in. I went back as far as 2006. Under Stress, Under Watch and Neutral, neutral meaning no problem. The Village of Goodrich has had no problems ever since 2006, as far back as it goes. So, I don't know what Mrs. Wartella knows or where she gets her facts from but that is what is on the government web site. I'd like to comment on the bill from the attorney. Three months, \$6,700.00. The vast majority of the billing on this half dozen pages is all telephone correspondence between Mrs. Wartella and Mr. McAbee, mostly Mrs. Wartella and the attorney. It's not legal work that's being done, it's conversations between them on how she should run the meetings. The first meeting cost us \$700.00 because he talked to her beforehand telling her how to run it, how to set the agenda up. It has always been a village job in the past. Second meeting he helped set up, \$800.00 for that. The vast majority of all this bill, is available for everyone to see, ask the clerk at the office, it's broken down in detail. This is just three months, \$6,700.00 which is more than we spent in the entire year last year in attorney fees.

Gary Sutton Windstone Court, - Stated, I would like to know, in regards to this hard drive that got taken out of here and wiped out. Is there any action being taken against Mr. Horton or the former village manager? Was a police report made on that?

Nancy Morey, Pontiac St., Stated, I have a question. I want to know what they did with the computer that they stole out of the office and took home with them, Mr. McAbee and Mrs. Wartella, and didn't bring it back for five weeks. Was that OK? Thank you.

Bill Gibbs Rose Lane, Stated, I do a lot of business with Ortonville and am invariably asked "What is going on with Goodrich and our Village council?" I was recently told by a gentleman who has lived in the area since 1973 that between Ortonville, Hadley and Oxford there have been maybe one recall in the past thirty seven years. How many have we had just in the past five years. It is not only about the current recall or the so called old regime or the numerous recall attempts for the new regime. What I propose is that there is not a need for an old or new regime. We need to get along and play together, united. As a former co-worker on mine said "We need to all play together in the same sandbox." Yes it does feel like this has been childlike and frankly it is an embarrassment. When I say work together I'm not saying that one person make decisions and two other say yes. We need good review of the decisions at hand. Get multiple bids on projects and make well educated decisions. We need the entire council to be on the same page, no secret meetings. The entire council should see the resumes or information on an issue before it is voted on. If not that issue should be tabled until the next meeting. Do we need an attorney at these meetings? How much did we budget for attorney fees this year? Last I heard it was around \$8000.00. \$6,700.00 for this three month period is, I would call not needed. We are trying to save money here. We're paying \$375.00 just to attend a meeting and in many cases they are talking down to us. The last meeting I was at was a disgrace and I know that can work both ways but how many times do we need to hear the name spelled? Then there was a charge that just said, set up the agenda for a meeting. Is this a good use of village money? At the rate we are going, Jakki Sidge's salary is going to be insignificant. We can do it, let's work together and learn how to play in the same sandbox.

Diane Fredericks, Tara Court, Stated, I thank you all very much for giving your time to the village and thank you all for serving and making the village a better place and sticking with it no matter how bad it gets and I would like to give my time to Don Emch. (Council denied). My understanding is you are not trying to dissolve the village, you are just trying to be fiscally responsible. Is that correct? That's my understanding, with that being said, there is a lot being said that you are trying to dissolve the village and on this petition to dissolve the village back in 1997, Ralph Morey signed it, his wife signed it, Keith Walworth signed it, Richard Horton signed it. It was to unincorporated the village and Pat Schierup signed it too. 1995, if they are accusing you of doing something they signed to do it. How can it be any more wrong, even if it was your agenda? I'm sure you would let us all know if you intended to do that. I don't think your saying get rid of this, get rid of that, you're just saying we're gonna study and try and do what's fiscally responsible for the village and everybody that doesn't like that you're trying to save money, I'd let it go. You have to let it go, be fiscally responsible. We are all doing more with less, we're losing our jobs, our house. Our houses aren't worth half anything anymore and I thank you very much. I

applaud you for trying and working in this kind of a climate to try and make things better for us. Thank you very much

Beth Sommers Meadow Creek Stated, I have spent my entire career managing government programs. As part of that I've been able to work with federal and state officials as well as going to multiple city's council meetings including Rochester Hills and other cities across Michigan and I can honestly say in all my experience I have never witnessed a group of people, elected official that lack the productivity and professionalism that all of you have exhibited. I'm not picking on the new kids on the block or the old boys club. It is across the board, some of these statements are (?) so please make an effort to professionally represent us the constituents first. Be prepared. Do your homework before a council meeting. The meeting is not the time to discuss who makes what reports or who does what in the village office. That should be done the day that you take your elected position. Other than recording our name and address, could you actually listen to us and acknowledge what we are saying in our public comment session? You are our elected officials and should be attending to our needs as village residents. Last month there was a lot of concern about cleaning up Goodrich yet none of your comments or responses nor tonight's agenda items address this issue. Be responsive and proactive as our council. You could have easily set up some sort of village cleanup day where you give out free garbage bags and free donuts to people who want to volunteer to help clean up Goodrich along with the DPW. So you didn't do anything, you just ignored us. There is a reason why council meetings have public comment sessions. Lastly I would like to express my concern about representation and hypocrisy to Mr. Jackson and Mr. McAbee. Last meeting we spent a considerable amount of time discussing financial hardship of our village and then you were presented proposals a bridge inspection with both of you agreed that all things being equal suggest that we use the cheaper of the two inspection quotes. I was very pleased that both of you stuck with your cost cutting mentality. However, when Ms. Wartella recommended the more expensive bridge inspector, you quickly changed your minds, without debate and voted in favor of spending the additional \$100.00 without justifiable cause but rather simply because Mrs. Wartella wanted to. Mr. Jackson and Mr. McAbee, we voted you into office, not Mrs. Wartella, therefore you represent us. We count on you to do what is best for our village not what is best for Mrs. Wartella. You don't all have to agree on everything as a village council but as a very concerned resident I'm tired of paying you all to bicker like a bunch of children, complain about what's happened in the past and beat a dead horse that have long been dead. It's time for you to work together to accomplish something that could be bragged about in the newspaper rather than the dirty politics we see in the headlines every week. As our representatives help bring the two sparring sides together so that we can be proud of what Goodrich is.

Becky Cummings, Stated , You want to take your bills out there (Atlas Township) you might as well take the money and throw it out the window.

Scott Wilson, 8281 Meadow Creek, Stated, I just have a quick question because I'm not familiar with how this is run. When do you respond to these issues? Do you make yourselves available? Can I call you up Mrs. Wartella? Can I come to your office and get answers to some of these questions? Can I call all

the members? It seems we are all getting up here and are allowed to say our things but we don't get any response back. So if that's the avenue it is, we can call up and make an appointment. I appreciate that.

UNFINISHED BUSINESS

1. Genesee County Sheriff Department Report - No Report
2. Committee Reports
 - a. Street Administrator – Morey stated that a large drain under Hufstader Drive is rusting and will need replacement before it collapses. Consumers will be replacing 28 Mercury vapor lights with sodium lights and has requested council approval
MOTION: To allow Consumer's Energy to replace 28 mercury vapor lights in street right of way with sodium lights.
Moved by Morey, seconded by Wartella Jackson, McAbee, Wartella voting in the affirmative, no opposition vote called.
 - b. 911 –
 MOTION: To appoint Phil Jackson to the Village of Goodrich seat on the 911 board.
 Moved by Wartella, Seconded by Horton
 - c. Water and Waste – No Report
 - d. Parks & Rec – No Report
3. Code Enforcement – No Report
4. Sidewalks – No Report

NEW BUSINESS

1. GENESEE COUNTY BAR ASSOCIATION PROCLAMATION
MOTION: To approve the Genesee County Bar Association Proclamation making May 1st law day.
Moved by Wartella, seconded by Jackson Jackson, McAbee, Wartella voting in the affirmative, no opposition vote called.
2. ROAD REPAIRS
 Consensus of council: To investigate and collect information to repair village roads.
3. DPW SUPERVISOR RECOMMENDATIONS
 Wartella thanked DPW supervisor for his recommendations concerning the security of the DPW buildings and equipment
4. MILLPOND

 Council comment
 Jackson: stated that all figures presented are accurate

McAbee Congratulated the Goodrich High School girls basketball team for their great season and urged people to support the teams. He stated that we need to keep things civil and agree to disagree. The Plante Moran study is taking longer than expected. Dissolution of the Village is not on the agenda. Thanked audience members for coming to meetings.

Morey – Responded to Mrs. Fredericks that the petition he signed in 1997 was to put the question of dissolution of the Village on the ballot so that the community could vote on it and bring the issue to a close. He voted against dissolution as did the majority.

He asked Mr. Robb if he was a municipal attorney. He stated he did not think Robb was representing the councilmembers when in February he advised a closed session without it being put on the agenda or voted on by council in violation of the Open Meetings Act and stated that Mr. Robb owed the clerk an apology for the way he treated her at the March meeting.

MOTION: To adjourn

Motion by Morey, died for lack of support

Wartella – stated the reason for the need for legal fees were well spent. This has been a contentious time. Study is in process. The mill pond is crucial point in the community.

No intention of not taking care of the mill pond. Sewers are not going anywhere. Sewers are sewers and will be maintained. I have fought for the mill pond.

Attorney comment, Robb stated that there had been no discussions about dissolution of the village or DPW

Mr. Horton was given the hard drive by Mrs. Sidge. Mr. Horton kept it for the week end and turned it over to Dave McDonald, who gave it the Genesee County Sheriff's department.

Litigation with between council member McAbee and Mr. Lucik has been resolved and Mr. McAbee will remain as council member.

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MOTION: To Adjourn

Moved by Wartella, seconded by Horton

Meeting adjourned at 8:33 p.m.

Respectfully submitted,

Patricia Schierup, Clerk
Village of Goodrich

Presented: May 9, 2011

Accepted: May 9, 2011