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50 years
of service



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CENTS



MERC comes to decision regarding city workers

City manager Howe says he plans to appeal

by Tim McAllister
contributing reporter

In a scathing decision Oct. 11, Administrative Law Judge Doyle O'Connor of the Michigan Employment Relations Commission (MERC) portrayed city manager Mark Howe as having broken the law by denying raises and other rights to unionized workers.

The 13-page decision drew three conclusions. First, that Howe unlawfully denied a \$1-an-hour pay increase and a \$1,000 bonus to union members, "in retaliation for union activity." Second, that Howe unlawfully denied union members their constitutional right to free speech. Third, that Howe "bargained in bad faith" with the union by "engaging in unlawful conduct."

City employees Todd Phillips, Ralph Brecken and others were denied scheduled pay raises and a \$1,000 bonus that was paid to other city employees.

According to the decision, this bonus was withheld from the

International Brotherhood of Electrical Workers (IBEW) unit "discriminatorily" as retaliation against the

"The purpose was to punish the employees for joining the union and engaging in other protected activity and to deter future protected activity."

"The \$1,000 off-schedule pay increase was given to full-time employees with the exception of the city

employees for attempting to unionize. The decision also states that Howe "taunted" the employees about having withheld the bonus.

"He did that exact same thing to me in a meeting with him and [public works director] Dan DesJarden," said Lowell water superintendent Brian VanVeelen.

"There's been a practice going on to pay people for certifications," said IBEW attorney Ted Iorio. "If you get a certification, which is, in effect a promotion, you get paid more. The \$1000 bonus was given to everyone and denied to the IBEW people."

and city manager under public comment at council meetings," Howe said.

"I am super disappointed that the city manager representing the city would act like that and do what he did in a court of law," VanVeelen said. "I don't know what the city is thinking, why they have him doing this job anymore after that."

O'Connor's decision chastised Howe for his behavior.

"It seems as if Mr. O'Connor has unleashed years of pent-up anger against employers in his final last hurrah as a judge."

~ Mark Howe

"The purpose was to punish the employees for joining the union and engaging in other protected activity and to deter future protected activity," O'Connor said.

The third part of the decision said that Howe "bargained in bad faith."

The document described Howe as "particularly antagonistic" toward the IBEW.

The sticking point in negotiations is still 'at will' versus 'just cause' employment. Howe continues to insist that the workers accept 'at will' and negotiations have stalled as a result.

"We would have to agree that the employees were 'at will' which means they could be fired at any

time," Iorio said. "We would have to agree that the grievance procedure ended with the city manager. That they could subcontract any of our work and lay us off. They could hire part-timers and lay us off."

MERC decision,
continued, page 3

Warm October weather greets Harvest Celebration crowds

by Kathryn Atwood
contributing reporter

Last weekend under unseasonably sunny skies, residents of Lowell were invited to celebrate the fall season at the 2013 Lowell Area Chamber of Commerce Harvest Celebration held at the Kent County Fairgrounds.

The bounty of autumn activities kicked off at 9 am all around town. Cherry Creek Elementary was the starting point for the 9th annual Harvest Hustle 5K Run/Walk. This family oriented event is organized by and earns money for Lowell Community Wellness (LCW). Runners were encouraged to wear costumes as prizes were awarded for best and most unique costumes. The well attended event has become a staple of the Harvest Celebration and encourages families to live healthier lives together.

LCW also teamed up with the Fortune Bay

Expedition Team and the Main Street Inn to offer color tours down the beautiful Flat River via either kayak or canoe. Attendees were offered a paddling lesson before hitting the water by the historic and recently destroyed, White's Bridge site. The tour ran from 11 am - 3 pm and was suitable for both advanced and novice paddlers.

Lowell Light & Power (LL&P) participated in the celebration with an open house in front of their building. Participants were offered the opportunity to ride in the power buckets, as well as meet the staff and directors of LL&P and learn some tips on how to save energy. A free hot dog lunch was also offered to guests by the company.

Guests were also invited to check out the Lowell Area Historical Museum's recently opened exhibit "Real to Reel." The exhibit consists of a brand new



Families worked together to create the perfect scarecrow for their yards.

historically designed twelve seat theater and lobby and focuses on the history of the Strand Theater. The mini movie theater, which boasts fresh popped popcorn as well, will be available to rent for parties and events and is on display until September 2014. The

project was funded by LCW, the Lowell Rotary Club and Mr. Mike Larkin, of Larkin's Restaurant.

Larkin is also the man behind the extremely popular Chili Madness Chili Cook-off which took place outside of his restaurant on N. Broadway

St. Almost thirty teams consisting of both amateur and professional chili cooks began stirring their pots at 11 am aiming to earn the top prize. Crowds of people enjoyed tasting the various chilis, drinking cocktails

Harvest Celebration,
continued, page 10

Fifth Third Bank robbed - suspect still at large

The Kent County Sheriff Department (KCSD) and the Federal Bureau of Investigation (FBI) are investigating a bank robbery. The incident occurred at the

Fifth Third Bank branch located at 11915 East Fulton on Wednesday, Oct. 9 at 12:55 pm. Police say the man entered the bank and

implied he was carrying a weapon. He was able to get away with an undisclosed amount of money. Police describe the suspect as a white male

in his 20s, 5' 9" to 6-foot tall with a skinny build, small mustache and a "soul patch." He was last seen wearing a black Carhartt jacket, a camouflage ball cap, light-colored baggy pants and black and white tennis shoes.

Pictures from a surveillance video were released and police are asking for the public's assistance identifying the suspect.

Deputies are still investigating the incident and the suspect remains at large. He is presumed

to be armed. Captain Kevin Kelley from the KCSD reports that they "are following up on some solid leads," but have no additional information available for the public at this time.

Anyone with information is asked to call the Kent County Sheriff Department at 616-336-3113 or Silent Observer at 616-632-6236.



along main street



This picture of the suspect was taken from a surveillance video.

FROM VOLUNTEER ORIENTATION
Volunteer orientation at Flat River Outreach Ministries (FROM) will be Thurs., Oct. 17 at 1 pm. Please call 897-8260 for additional information.

LOWELL FOOTBALL GAME
Tickets for the Lowell/Grand Rapids Christian football game will be on sale in the main office at the high school on Fri., Oct. 18, from 10:30 am – 3 pm. Gates open at 5:30 pm. Ticket sales will begin in the stadium ticket booth at 5:30 pm.

NOCTURNAL ANIMALS
As we prepare for bed, the forest comes alive. Join us on Oct. 19 at 7 pm at the Wittenbach/Wege Agriscience & Environmental Education Center, 11715 Vergennes, as we venture out into the forest to learn about nocturnal animals. We'll learn about some of the interesting adaptations animals have for navigating in the dark. Space is limited to 25 participants so call ahead to register. This event is free and open to the public. Call 616-987-2565 to reserve your spot.

Feel free to send your event information to the Ledger for Along Main St. All submission requests for Along Main St. are subject to space limitations. The Ledger makes no assurances that they will appear in print. To ensure that an event notification will appear in the Ledger, it is best to place a paid advertisement. All efforts will be made to place suitable items in the Along Main St. column but they are printed at the discretion of the publisher. For profit events, church services, yard sales and the like, will not appear in this column.

BLUEGRASS MUSIC JAM SESSION
Sat., Oct. 19 in the King Building at the Lowell fairgrounds. Jam session from 3-6 pm. Food and refreshments available. Family friendly. Bring your instrument and join in or just come to listen.

ORPHANED ART AUCTION
The Little Orphaned Art Auction will be held in the King Gallery at LowellArts! on Oct. 26. Come and see all of the orphaned art. This is a free event that includes hors d'oeuvres, cash bar, door prizes and more. For more information contact LowellArts! at 897-8545.

LOOKING FOR ALL VETERANS
The Lowell Area Historical Museum (LAHM) is looking for Veterans (male and female) and families of veterans who are willing to tell their stories at a community program to commemorate Veterans' Day now or in the future. If you can help, please contact the LAHM at 897-7688.

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MERC decision, continued

Howe, however, claims the union "bargained in bad faith" by addressing city council, taking out the ad in the Ledger and putting out pro-union yard signs.

"It was merely our assertion that individuals were recruited by the union for this purpose and that these activities were not conducive to reaching an agreement," Howe said.

Howe blames the decision on a biased judge.

"It seems as if Mr. O'Connor has unleashed years of pent-up anger against employers in his final last hurrah as a judge," Howe said. "We had suspected that Mr. O'Connor was leaning toward a decision in favor

of the union well before the hearing."

"Now Mark Howe is calling the judge a liar," said VOICE's Barb Barber. "I wonder what the judge would say to that."

"The judge made findings of fact and it almost appears that rather than looking at what the substance of the opinion is, there was an attempt to kill the messenger," Iorio said. "If you look at Judge O'Connor's record you'd be hard pressed to say he was one-sided in regard to either employers or unions. That kind of ad hominem attack, sometimes that's where you go when you don't have the facts. That's just the way it works."

Judge O'Connor is retiring, however, we may find out what another judge has to say about all this. The city plans to spend further tax dollars appealing the decision.

"We are currently in the process of preparing our appeal to the Michigan Employment Relations Commission," Howe said.

"If the city is going to appeal this ruling I assume that will drag things out even longer," Barber said. "I'm not a lawyer but I assume that as long as they are in appeal they don't have to bargain in good faith with the union, as the judge ruled."

"They're going to spend more taxpayer money on

something that was already decided," VanVeelen said.

"From our standpoint, the decision in this hearing has no impact on negotiations," Howe said.

The IBEW is hopeful the situation will be resolved.

"The only thing the IBEW is interested in is getting an agreement," Iorio said. "The sooner the better. All these other things can be worked out if both parties seek to embrace and resolve rather than confront and take a path that leads to this kind of confrontation. We don't want it and we don't need it."

Iorio is not confident that the city's position will change, however.

"After a couple of years they still have 'at will' on the table," Iorio said, "the right to subcontract our jobs and lay our people off, even though we average about 18 years of seniority in that unit. The employees that the city has are like a treasure. They're so flexible and so talented in so many areas. You would think that we should be able to get an agreement here. We're not dealing with guys who aren't interested in doing the best job they can for the citizens. And they do, all you have to do is look at the recent flood and how they responded. It's a wonderful group and Howe acknowledges it. The city's acknowledged it and

now's the time to put it on the table and let's just get it done.

According to the IBEW, the contract the union is asking for is standard.

"We're asking for no more or no less than any union has in any city union contract," Iorio said. "Our whole goal is just to get an agreement, not to point fingers at anyone. The records are all there, the public can read the opinion, they can read the proposals and come to their own conclusion."

Judge O'Connor's ruling can be read in its entirety in this week's edition of the Ledger, starting on page 14.

School board discusses need for upcoming millage proposal

by Tim McAllister
contributing reporter

The Lowell Area Schools board meeting held Monday, Oct. 15, included a discussion of a millage proposal that will be on the ballot Nov. 5.

"It's one 'mill,'" said superintendent Greg Pratt. "One 'mill' is equal to \$1 for every \$1000 of value. If you have a \$200,000 home it'd be \$200 annually."

The millage will be used as a "building and site fund" and the money put into structural improvements for

buildings and to beef up security in the schools.

"We have aging buildings," Pratt said. "We really want to take care of our buildings that we have. We don't have any plans to purchase property or build a brand new building."

The millage will not be a permanent tax, but will expire.

"The scope of the millage was only for seven years so there is a sunset on it," Pratt said.

Pratt warned that programs could suffer if the schools have to divert money into infrastructure.

"The [high school] roof is out of warranty and replacing that roof is more than a \$2 million project," Pratt said, "so it's not the type of money that you can take out of your general fund unless you're going to get rid of a lot of programs."

Pratt said the first project on the list is one that would improve security in

Lowell schools by installing "security vestibules."

"Those would be a door system that allows access into the office area but not the rest of the building," Pratt said. "Therefore we would have a way to identify those people that are coming into the building and not giving them direct access to other hallways."

This will be the second

time the millage has been brought to Lowell voters.

"Our first election was back in February and it didn't pass by about 90 votes," Pratt said, "but we had a rain storm and an ice storm, as the board talked about it. We had a lot of citizens asking us if we're going to go back out to the voters and we weren't sure. We've been very frugal, but

we're not able to take care of the type of projects and the number of projects we have. We can find ways to defer costs and get some help from other areas, but it's just too much to take on."

Pratt is hopeful voters will pass the Nov. 5 millage.

"Our hope is that if this passes we'll be able to take on those projects," Pratt said.

Public involvement discussed at last LL&P board meeting

by Tim McAllister
contributing reporter

Except for a mildly contentious exchange of words between Lowell maintenance supervisor Ralph Brecken and board chairman Greg Canfield, the Lowell Light and Power board meeting last Thursday, Oct. 10, was an uneventful affair.

Brecken addressed the board to ask about a proposed public meeting to discuss some power generators owned by the city.

"At the last meeting we discussed, or we asked, if we could have a public meeting," Brecken said, "and I spoke about bringing signatures with me that were collected by the ratepayers and citizens of the city of Lowell for that public meeting and I guess I'm just here to ask if we can have that public meeting."

"I brought forth signatures from citizens of Lowell and ratepayers from light and power expressing their interest in a public meeting," Brecken said, "because important questions are not

being answered. I would encourage light and power to just have the public meeting and I ask Mr. Canfield to please refrain from personal attacks and assumptions."

Brecken then presented the board with a 38-signature petition. Canfield replied that the board would look at the petition and decide later.

Canfield has since said there will be no such meeting.

"I and other members of the board do not feel that there is valid interest among the ratepayers to warrant a special meeting," Canfield said in an e-mail to the Ledger.

The source of the animosity between the two men stems from Brecken's relentless questioning of the light and power board about the power generators and his association with citizens' group VOICE.

Brecken contends that purchasing two gas-powered generators may have been a waste of taxpayer money due to the possibility of enormous expenses involved in operating them. Until recently, both

generators were inoperable because of difficulties in supplying the necessary natural gas. However one generator, an IVEX Solar combustion turbine, was recently fired up.


"We were able to place it under full load in September on a number of occasions," light and power general manager Greg Pierce said. "All of the bugs are ironed out."

Light and power currently plans only to use this generator during peak usage times, which are during the summer months.

"If you bought these generators to provide cheaper electricity to the ratepayers, then why wait?" Brecken asked in one of the e-mails to Canfield. "Let's start making power now and let the savings begin."

"During the winter months, limitations in consumers' infrastructure currently prevent us from running," Canfield said in an e-mail.

LL&P board meeting, continued, page 4




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LL&P board meeting, continued

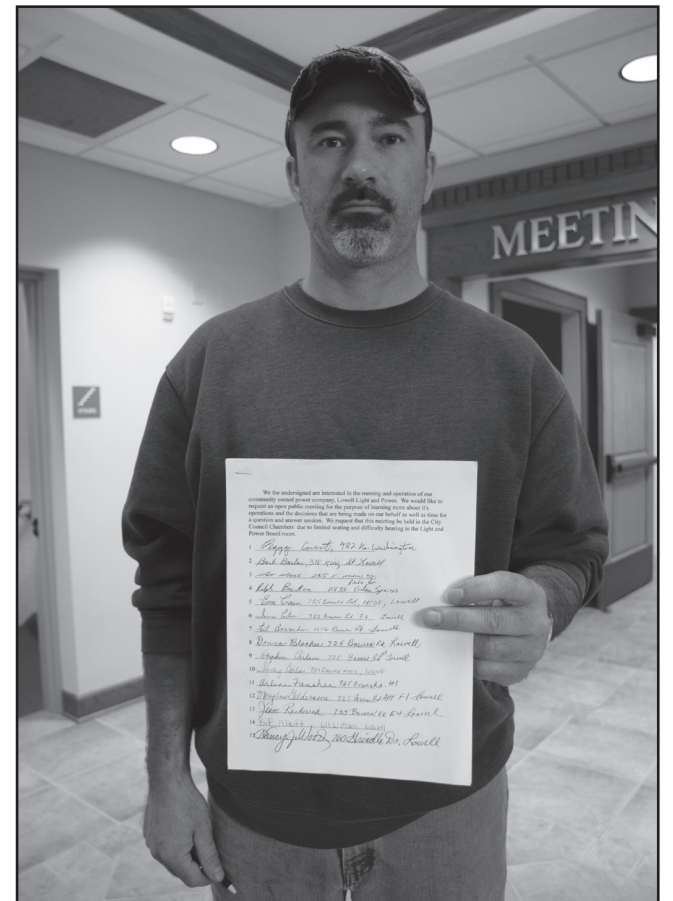
All natural gas in Lowell is provided by Consumers Energy. There is currently no way to provide gas to the generators all year long. Although there are several possible solutions to this problem, none of them will be cheap.

"One option is to have a new natural gas supply line brought into the facility," Canfield said.

Other options include converting the generators to be "dual fuel" or storing large amounts of natural gas on site. It is currently unknown how much any of this would cost or if it would be safe.

Canfield said the Oct. 10 board meeting was moved from the light and power building to city hall in anticipation of an onslaught of public involvement that never materialized.

"In anticipation of the larger group we expected based on Mr. Brecken's comments, we went to the extra work to move the [Oct. 10] board meeting to city hall," Canfield said in an e-mail to the Ledger. "I also wrote a letter to the editor of the Ledger which was published two days before our meeting asking for happy or unhappy customers to call or attend the meeting at city hall. We received three happy calls and there were no ratepayers



Ralph Brecken and the petition for a public meeting.

at the meeting other than Mr. Brecken and four or five VOICE members."

VOICE members were pleased by the change in venue for the board meeting.

"We were able to hear what was said and even though not many people attended, there was ample room," said VOICE's Barb Barber.

Although they differ on many points, Brecken,

Canfield and VOICE all seem to have the same goal: solving Lowell's energy crisis.

"We would love to be wrong about all this," Brecken said. "Prove us wrong and we'll go away."

"It is time to get some positive dialog going," Barber said.

"There are very exciting things on the horizon for our community," Canfield said.

Accident claims two young lives

Andrea Herrera, 20, of Lowell and Eric Fischer, 23, of Caledonia, were killed when a car driven by Joseph Jay Ford, 27, of Wyoming, MI, collided with them on October 10.

According to the Kent County Sheriff's Department, Ford was traveling northbound on Patterson Avenue and collided with the westbound

vehicle driven by Fischer. Herrera was a passenger in Fischer's vehicle. Both vehicles then collided with an eastbound semi-truck driven by a 50-year-old Grand Rapids' man. Ford and the semi-truck driver both received non-life threatening injuries.

Ford was charged with two counts of Operating

While Impaired (O.W.I.) Causing Death. He was arraigned in the 63rd District Court with a \$25,000 cash surety bond for each count (\$50,000 total). His preliminary examination is tentatively scheduled for October 23, 2013.

Herrera was a 2011 graduate of Lowell High School.

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viewpoint

to the editor

Dear Editor,

There are many positive things going on in our community, but stories and letters about the contract negotiations between the city of Lowell and a few of their employees have been dominating the local headlines. Negotiating this contract in public or in the media is not the best procedure so I won't make specific comments on that issue.

I can however, assure the citizens of Lowell that the sky is not falling in Lowell's city government

as some might have you believe.

You have competent, qualified professionals who are representing your best interests, informed city councilmembers who listen and provide direction and an excellent city manager who works hard to make sure Lowell is the place we want it to be.

The city of Lowell government and boards are not some anonymous agencies invented to promote self interests.

They are comprised of your neighbors and friends who have lives and families and jobs but are willing to give up their time to work for the visions and dreams that they have for Lowell.

The people that work for the city are also doing a great job and are appreciated. Contract negotiations are never easy and frustrations are high. Surely a community that is strong enough to survive a 100-year flood can work through this issue in a positive manner too.

Sincerely,
Sharon Ellison
Mayor Pro Tem
Lowell City Council

financial focus



Christopher C. Godbold

Lessons from "Save for Retirement Week"

Congress has designated the third week in October as National Save for Retirement Week — which means it's a good time to think about your own retirement savings strategies.

Ensuring that you have enough money to support your chosen retirement lifestyle is certainly important. Unfortunately, many of your fellow

Americans have apparently not done enough in the way of building retirement savings to ease their minds. Consider these figures, taken from the Employee Benefit Research Institute's 2013 Retirement Confidence Survey:

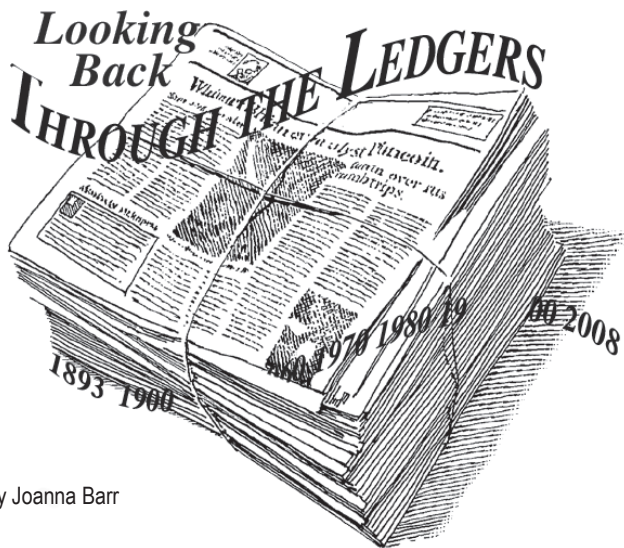
- Forty-nine percent of those surveyed said they are not confident about being able to afford a comfortable retirement.

- Just 46 percent of survey respondents say they and/or their spouse have even tried to calculate how much money they will need to live comfortably in retirement.

What steps can you take to gain confidence in your ability to retire in the manner you have envisioned? Here are a few suggestions:

- Envision your retirement lifestyle. At what age do you want to retire? When you retire, do you plan to travel or stay close to home and pursue your hobbies? Will you do some part-time work or consulting? It's important to identify your retirement goals and then, as best as

Financial Focus, continued, page 6



By Joanna Barr

140 years ago Lowell Journal October 15, 1873

The Sunday hunt for squirrels took place in the woods west of Lowell, last Sabbath afternoon as usual.

Mr. E. Lee is fitting up the east store in Music Hall block and will soon have a full line of groceries therein. He will deal largely in produce and be ready at all times to supply heavy demands. Mr. Lee is most favorably known as a thorough and an upright business man. Will[iam] Edie is also at home in the grocery trade and will show his usefulness by selling salt, sugar, sundries and so-forth, for Mr. Lee.

The marshal requests us to give notice that no more shooting will be permitted within the limits of corporation and the first person guilty of violating this commandment will be arrested and punished. Take heed, ye men of sin.

A farmer bought five pounds of eight-penny nails the other day and threw them into his lumber wagon. He was mad enough to bite their heads off when he found them scattered the whole length of Water Street.

125 years ago Lowell Journal October 19, 1888

The mill property on corner of Main and Hudson streets, commonly called the Dougall Mill, has been leased by the executors of the Mc Lean estate to Jas. Young, an old and experienced miller.

J. W. Broadbent, J. H. Nicklin and M. N. Hine have rented again the Lowell Mills and started them again Saturday. They will likely purchase the mill as soon

as the receiver of the Lowell National Bank can sell it.

A number of railroad hands at Freeport had a free fight Tuesday night, after loading up too heavily with Freeport forty-rod. Three men were quite severely stabbed and others knocked down and pounded. The principal mover was a burly railroader and after he had been tied down, loaded into a wagon and taken to the Hastings jail, times resumed their usual quiet.

100 years ago The Lowell Ledger October 16, 1913

The Ledger has refused to run the advertising of "Rev." D. R. Schiller, "divine healer." He may be all right; but we doubt it and until the "Rev." gentleman establishes in the courts his right to practice his art or craft, we don't want any of our readers separated from their money because of his announcement in this paper. We may sometimes be mistaken; but the Ledger will never knowingly advertise a fraud or fake, no matter what the cash consideration may be. And Schiller sends the money with his order for advertising.

Miss Ida Merriman closed school for two weeks to allow the children to help secure fruit and potatoes.

F. N. White was at the county seat on legal business Tuesday and incidentally called on the Board of Supervisors to put in a few licks among his former colleagues in behalf of Superintendent Frazee for county examiner. Frank says our old friend the Chief of Police inquired how The Ledger man was behaving. How is that for a rub?

E. M. Nichols has bought the house and four acres opposite the Jos. Jones place, south of Segwun. It adjoins 20 acres owned by Mr. Nichols and he will fix up the house for a home.

75 years ago The Lowell Ledger October 20, 1938

Headline: Common council reduces rates on electric lights. Bulbs replaced free of charge. Good news for patrons of Lowell Municipal Plant! Electric light rates reduced! Free replacement of bulbs bearing trade mark of Lowell plant! No charge for service to customers! At the regular meeting of the common council on Monday evening, it was voted to adopt a new low electric light rate for patrons of the Lowell municipal plant to go in effect November 1. The new rates were evolved after the light and power committee of the council, composed of B. H. Shepard, W. A. Roth, L. W. Rutherford, and F. J. McMahon, superintendent

of the plant; had thoroughly reviewed the rates used by several surrounding cities and compared prevailing conditions with the situation in Lowell.

Peter Petersen, of Vergennes Township, has learned in a practical way that it pays to be courteous on the highway. Each week a well-known gas company offers a cash prize for some outstanding act in promotion of highway safety and someone reported to the company that Mr. Petersen had stopped his car in order to give a woman driver the right of way in safety as she backed out of a Main St. parking spot. The prize was a check for \$100.00 which was handed to Mr. Petersen by Curtis & Dyke, local representatives of the gas company.

50 years ago The Lowell Ledger October 17, 1963

Quite acrowd was on hand Wednesday morning when the new steeple was raised into place at the Lowell Congregational Church. The steeple replaces the one removed in 1925 and is a steel framework covered by plywood and aluminum. The structure, 25

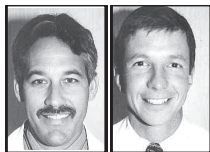
Looking Back, continued, page 6

We love to hear from you!

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Letters may be submitted via email to: ledger@lowellbuyersguide.com ("to the Editor" in subject line) or dropped off or mailed to: The Lowell Ledger, 105 N. Broadway, Lowell, MI 49331. Also, our website, www.yournews.com select "submit news" icon on the top left, then select "opinion".

health



With Drs. Paul Gauthier, Jim Lang, Wayne A. Christenson III, John G. Meier & Tracy Lixie

what is depression?

Depression is a medical illness, just like diabetes or high blood pressure. People don't choose to be depressed. Depressed people are not "weak" or "crazy." Depression affects more than 17 million people in the United States each year. Symptoms of depression include at least three of the following warning signs:

- feeling sad most days for two weeks or more;
- loss of interest in things you used to enjoy;
- lack of energy;
- sleeping more or less than usual;
- weight changes;
- feeling hopeless or worthless;
- trouble concentrating;
- irritability; and
- thoughts of death and suicide.

Depression is believed to be the result of a chemical

imbalance in the brain. The imbalance could be caused by genetic factors like family history or by environmental factors like stressful life events. These brain chemicals are called neurotransmitters and are responsible for your moods.

Depression can be successfully treated with medicine, counseling or both. Medicines can help to correct the imbalance of neurotransmitters. Counseling can help you change a negative view of yourself, your past and your future. Regular exercise and avoiding alcohol, illegal drugs and too much caffeine can also help. Talk to your health care provider if you feel you may be depressed. They can help you decide what treatment may be best for you.

Financial Focus, continued

possible, estimate how much they will cost. Once you know what your retirement goals look like, you'll be able to shape a strategy for achieving them.

- Contribute as much as you can afford to your retirement accounts. No matter what your retirement goals may be, you'll help yourself by contributing as much as you can possibly afford to your IRA and your 401(k) or other employer-sponsored retirement plan. (At a minimum, put enough into your 401(k) to earn your employer's

matching contribution, if one is offered.) And if you reach the point where you can "max out" on these plans, look for other tax-advantaged investments to which you can contribute.

- Invest for growth. To help you reach your goals, you'll want to include a reasonable percentage of growth-oriented vehicles in your retirement accounts. The exact percentage will depend on your risk tolerance and your specific objectives, but it's important to have that growth potential. Keep in

mind, though, that investing in growth-oriented vehicles involves market risk and possible loss of principal.

- Review your progress. At least once a year, review your portfolio to determine if its performance is still on track to help you make the progress you need to reach your goals.

- Make changes as needed. If your investments are simply underperforming, you may need to make some changes. And in the years immediately preceding your retirement, you may also

need to adjust your holdings, possibly by moving some dollars from growth-oriented investments to income-producing ones. However, even at this stage of your life, you may still need your portfolio to provide you with some growth potential — you could be retired for two or three decades, so you'll want your money to last and to stay ahead of inflation.

National Save for Retirement Week comes just once a year. Take its message to heart.

Looking Back, continued

feet high, has a five foot stainless steel cross on the top. This is only a part of the face lifting project, which is covering the century old church with aluminum siding.

Lowell city clerk, Laura Shepard, was the winner of the transistor radio given away Monday, October 14, at Bernie's "66" Service on West Main Street.

The city water department flushed the mains last Friday and residents were offering them brooms and wooden shoes to clean up the residue, caused by the fast flowing water.

Ball Floral Shop's Halloween display at their greenhouse on East Main Street is stopping traffic. The colorful Rip VanWinkle or who ever the character is, is shown relaxing in his traditional fashion. Vandals carried away the first model.

Dedication ceremonies will be held on Monday evening, October 21st at 8 pm for the new Lowell Senior High School. The building, built at a cost of \$1,100,000, was started in September of 1962 and completed this summer. The dedication plaque to be placed on the building will read: "This building is dedicated to the educational standards developed in this community from 1926-1960 by its Superintendent of Schools —Walter W. Gumser."

25 years ago The Lowell Ledger October 19, 1988

Headline: City gets vocal backlash after severing walnut trees. In an effort to rid Oakwood Cemetery of what city officials referred to as "messy," black walnut trees, they may have created a mess harder to clean up than that of the sap left by the trees and its nuts. With "deteriorating, old, diseased, rotted trees" as their motive for hiring Bob Sayers, of Walnut-Oak Logging in Ionia, to sever all 25 black walnut trees, city officials are now trying to appease those most directly affected by the action who found the trees to have aesthetic beauty. "Black walnut trees are extremely dirty," Lowell city manager Dave Pasquale said.

"Their dirtiness, the damage done to the stones, the maintenance issue, were all looked into before making a decision." According to Sayers, eight of the 25 trees cut were rotting from within. Which raised the question then, why cut down all 25 trees?

When a Toastmasters Club meets, sweaty palms, stuttering, bad grammar, and wordiness are strictly outlawed. Members meet to conquer their fear of speaking to groups, to increase self-confidence and to advance in their careers. "Toastmasters promised me a lot and then delivered even more," says Robert Redd, retired Ada CPA who is now forming a Toastmaster Club in that community, which will be open to residents of surrounding communities as well. "My four years in Toastmasters has become a major part of my life," Redd adds. "If you think you need practice in speaking in front of others, you probably do," toastmaster Redd pointed out. "After a few months in Toastmasters you can speak to a group of five or 500 and there is no difference. If you are adequately prepared and know what you're talking about, you feel comfortable and if you're comfortable, it shows."

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- OCTOBER 16**
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- OCTOBER 19**
Lydia Brenk, Nancy Brenk, Zachary Lee.
- OCTOBER 20**
Bob Hildenbrand, Michael V. Johnson, Charlene Wilson.
- OCTOBER 21**
Andrew Mercer, Madison Hacker, Jessica Alberts.
- OCTOBER 22**
Troy Abel, Aamir Ismail, Donna Potter, Devin Falk.



Autumn Neighbor 2 Neighbor events fall into place

by Justin Tiemeyer
Contributing Reporter

If there were ever a year where the impact of Flat River Outreach Ministries (FROM) was felt the most in the city of Lowell, it would be 2013. From April's emergency flood response to the summer's record-breaking Food Fight food drive, FROM has been at the center of what is great about Lowell for the whole

year. The autumn forecast looks to be the same as the rest of the year as FROM kicks off the Neighbor 2 Neighbor event.

FROM is at the helm of the project, with partnerships from the Rotary Club, The Lowell Ledger, Lowell Light & Power and the Knights of Columbus.

Neighbor 2 Neighbor is all about granting

wishes. If a person is in need of light home repairs or weatherization prior to winter, they need only submit a wish or have a wish submitted on their behalf from a caring neighbor or family member. The wishes alone, without any personal information, are printed in The Lowell Ledger and members of the community are given the choice to

adopt a wish. A person or organization who adopts a wish is pledging the ability and desire to take care of that household need.

"The hope is that a group of friends from a church or employees from an area business will get together and provide the manpower and resources to fulfill a wish," FROM director Tamela Spicer said.

In addition to matching people in need of repair with community members who can take care of the repairs, FROM will be coordinating two community work days where volunteers go out into the community and take a bite out of a large percentage of the projects. The first community work day was held Saturday, October 12.

The second community work day is to be sponsored by the Knights of Columbus at a later date.

Neighbor 2 Neighbor applications can be picked up at FROM. For those who cannot make it out to FROM, applications can also be e-mailed. Simply call FROM at 616-897-8260 for more information.

Neighbor 2 Neighbor wish list

Neighbor to Neighbor is once again organizing to get some of these projects done and disbursed. If you would like to help by donating your time and energy to fulfill one of these requests, contact Tamela Spicer to confirm which project you could complete at tamelas@fromlowell.org

A local married couple is in need of a new furnace. Their current furnace has barely kept running for the past two years, but is now unsafe. Due to recent economic challenges the couple is not able to absorb the cost.

A couple needs to repair all of the flooring in their trailer. There are holes and soft spots throughout the flooring in their home. The duct work needs to be replaced as it is not blowing heat to the front of their trailer. Their back door also needs to be replaced. Limited income makes it difficult for this couple to manage the repairs on their own.

A family of four living on Veteran's assistance and social security benefits is in need of a new furnace and roof repair. The furnace has electrical issues that the family has been unable to resolve. When the furnace goes on, you can see the electricity voltage throughout the vents. The roof also has a big hole, which requires a new application of tar a couple of times each year just to keep things from leaking.

A married couple in Lowell has found themselves a harder than normal times. The husband is wheelchair bound due to being a brittle diabetic. The wife has part-time, seasonal work but is limited to the amount of hours she can work due to caring for her husband. This past month the wife had to undergo surgery that has left her unable to work and drive for a month, which has presented many challenges for this household. A recent inspection for their homeowner's insurance revealed the need for roof replacement. The condition of the roof not only impacts the safety of the home, but also the affordability of the insurance.

A senior widow living on a fixed income is in need of tree removal. She currently has her daughter and granddaughter living with her to help them through a period of unemployment. There are many unstable trees along the house that need to come down to prevent potential damage to the home. This homeowner hopes to donate the wood to another family in need.

A single mother is in need of a new bathroom floor. She recently lost her full-time job and is getting some part-time work through Manpower. There is no extra room in this single mom's budget to fix the floor.

A local family is in need of a new roof for their garage. What started out as a bee problem in the soffit area of their garage has now turned into a bigger problem of needing a whole new roof replacement. Unsteady employment and health issues in the last couple of years have left this family with little resources to replace the roof themselves.

A retired woman on a fixed income needs three trees removed and hauled. She has no means of doing this herself and needs the extra help.

Two names added to race for open city council seats

by Justin Tiemeyer
contributing reporter

On November 5, Lowell citizens will be voting for candidates to fill four of the five city council positions. Familiar names fill the ballot as Jim Hall, Christopher Schwab and mayor Jim Hall bid to return to the council, but there are two additional candidates campaigning for membership, Jeff Altoft and Matt Mayer.



Matt Mayer



Jeff Altoft

Jeff Altoft

Jeff Altoft is known to most in Lowell as the owner of the beloved breakfast and comfort food restaurant Backwater Cafe. After his wife developed multiple sclerosis, Altoft also became the manager of the restaurant. Altoft also served on city council six years ago.

"If you can balance your checkbook, you can balance the city's budget," Altoft said.

For Altoft, you don't have to run a successful business in order to be of value to the community. You merely need to use the same common sense that you use with household matters on a much larger scale.

Altoft decided to run for city council once again because he doesn't agree

with what is going on in current city politics. Though he believes the city needs to change the way it spends its money, he doesn't consider himself a reformer.

"I'm just a normal Joe that wants to make sure everyone is treated fair and equal," Altoft said.

Altoft would like to see Lowell's money spent more responsibly in order to buttress the infrastructure of the community. Altoft is disturbed that many of the city's departments are underfunded and yet Lowell built a new city hall and gave an excessive raise to city manager Mark Howe.

"We have to live within our means," Altoft said. "If you have no money to buy something, you don't buy

it."

Altoft wishes to learn from the city council, whether he is raised to membership or not, what the budget is for every department in the city. Once the people have the answers to this question, Altoft believes the city can move toward a higher level of fiscal responsibility.

"We can't continue to just spend freely in the wrong directions and just let the other ones get by," Altoft said.

Matt Mayer

Matt Mayer has no problem calling himself a reformer. Mayer is a manager at Bernard's Ace Hardware and his desire to run for city council

came from interacting with city workers who are discontented by the current council.

Mayer is a practical man. He decided there must be something to do about this problem.

"Why don't I just run," Mayer said. "Just see what I can do?"

Mayer said that he doesn't think this is the best reason to run for city council, but that he simply

Candidates, continued, page 13



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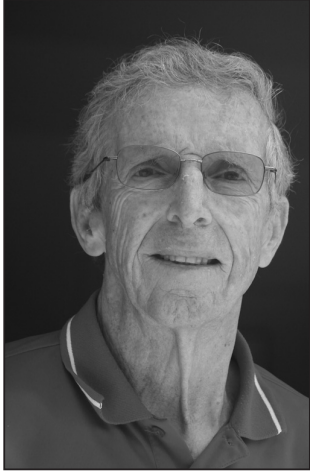
Friday's game to honor "Doc" Gerard

by Karen Jack

Dr. Don Gerard, the team physician for Lowell football, a part of the team since 1963, is being honored for his 50 years of service to the team at Friday's Lowell varsity football game.

Affectionately known as "Doc Gerard," he's had a long career of giving back to not only Lowell, but also to others throughout the world.

He started his education at Grand Rapids Junior College and University of Michigan for his undergrad.



Dr. Don Gerard

He then served as a 1st lieutenant at Fort Benning in the infantry for three years and then finished his undergrad at Cornerstone. He attended Wayne State University's medical school, did his internship at Butterworth and then moved to Lowell. His intentions were to only be in Lowell for a short time, but 53 years later he's still here.

Doc officially retired in 1994 and decided to go into "volunteer" practice and

did that at Cornerstone's student health services for five years, then worked at the Clinic of Santa Maria in Grand Rapids. After that, he worked for six years at Health Intervention Services as a volunteer physician. He went overseas on four different missions, including Kenya, Zimbabwe, Romania and Honduras throughout the years.

He set up practice here in Lowell as a family

physician and has seen much more than most over the past 50 years. When asked what he likes most about being the team doctor, he said he loves the kids and loves football so it was a perfect match. His favorite moment was in the late 70s when Belding, Forest Hills Central and East Grand Rapids were all going to the Silverdome. He and his friends decided to start going to the Silverdome to

watch all eight games and his hope was to see Lowell there someday. "That's happened five times since 2003," said Doc. "So it's been a tradition that I really look forward to every year."

Doc has been married to Donna for 53 years and has three sons and three daughters, 16 grandchildren and 13 great-grandchildren with a couple more on the way.

LHS Class of 1953 celebrates 60th class reunion

The Lowell High School class of 1953 recently gathered at the home of their classmate, Ron Stevens, to celebrate their 60th class reunion. A wonderful dinner was prepared of Swiss steak and roasted turkey with all of the fixings by the host. Twenty-five classmates and their guests attended with four classmates traveling from California, Georgia, New Mexico and Illinois. The class had 120 freshmen entering Lowell High School. They had 77 graduates at the commencement program, Wednesday evening, June 3, 1953.

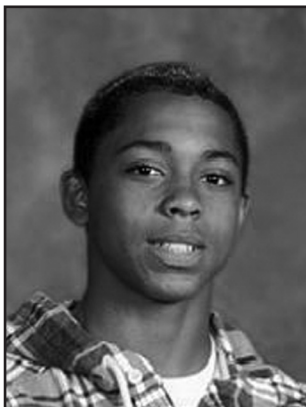
Pictured, back row: Carlen Anderson, Bill Vander Mass, Shirley (Rickert) Nester, Jim MacGregor, Norma (Heim) Noall, Jim Tripp, Dave Krebs, Glen Troyer, and Ron Stevens; middle row: Tom Morse, Dave Powell, Julie (Lundberg) Condon, Lu (Bozung) Snell, Joan (Mumaw) Tripp, Sydney (Bennett) Zainea, Pat (Schroeder) Canfield, Phyl (Lewis) Dewey and Joanne (Davenport) Seelye; front row: Dick Nellist, Bob Condon, Jack Marks, Rita (Kutchey) Ammon, Bev (Bedell) Anderson, and Joyce (Williams) Nichols. Missing from the photo is Ethelyn (McClure) Smith.



Lowell High School Students of the Month for October

Lowell High School (LHS) has announced that Alex Kaminski, 12th grade; and Lucas Hall, 10th grade; are the Lowell High School October Students of the Month. In order to be eligible for this honor a student must be

nominated by a department. All the nomination forms for the month are then reviewed and voted on at the monthly department chair meeting. Students are selected based on academic achievement, character and work ethic. There are



Lucas Hall



Alex Kaminski

1,200 students eligible for nomination, so this is quite an accomplishment for Kaminski and Hall.

The students receive a \$20 movie gift card and a certificate.

Ingrid Baird nominated Kaminski and she writes, "I would like to nominate Alex Kaminski for student of the month. There are several reasons why he is deserving of this recognition.

In addition to the success that he has achieved through hard work both in the classroom and on

the football field, Alex demonstrates fine personal qualities in daily actions and encounters with people. Alex is dependable, loyal, trustworthy, helpful and kind. We did an activity in class wherein the students created a Wordle in French. One of the prompts was, "I identify myself with ____." Alex chose the word "la bonté," which translates into English as "goodness." I feel that this is an apt description of Alex who embodies goodness in everything he says and does."

Hall was nominated by RJ Boudro and he writes, "Academically Lucas struggled with the transition from middle school to high school and this year he has really been on top of his game. He comes into the counseling office at least two times a week to check his grades and you can tell that he is becoming more confident in himself as each week passes. Last week he ran into the counseling office out of breath so he could show us his geometry test grade and you could not wipe the smile off his face if you tried. There has been a positive change in Lucas and he said that he has been making good choices, hanging out with the right people and this is what has been helping him most with his grades. Peer pressure in high school is very real and Lucas' strength and discipline has allowed him to make good decisions. Lucas recently joined

the Interact Club, a club where students are able to volunteer their time to help others. When he was asked why he decided to join he said, "So I can be involved in something else other than wrestling and help other people," a very mature answer for a tenth grader. Lucas is also one of the top high school wrestlers in not only the state of Michigan but the entire country and it is evident that the culture in the Lowell student athletic community has been a big help in Lucas' development. He has been able to look up to the leaders on his team and other teams at Lowell and recognize the importance of being a 'student athlete'."

This program is made possible by the support of the LHS Academic Boosters, who support the high school in many ways. If you are interested in helping support the LHS Academic Boosters you may contact the office at 987-2900.

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Red Arrow
- GOLF
SPORTS

Krajewski qualifies for state and team finishes strong

by Karen Jack

For the first time in several years, the girls' golf team can brag about having a state qualifier. Danielle Krajewski went to regionals on Thursday at the Links at Bowen Lake in Greenville and qualified for state with a score of 96. She not only qualified for state, but she was the best shooter of the day out of 61 entrants, beating out girls from 11 different teams in the region.

"Dani has been working hard and this is just a thrill for her," said head coach Kim Stevens. "We're going to work hard next week and get her ready the best we can. Her hard work is now

starting to pay dividends and it's great to see."

The team also faired well in the tournament, finishing fifth and just missing state qualification by nine strokes with a score of 408, behind Forest Hills Central (350), Mona Shores (395), Greenville (399) and Forest Hills Northern (408).

The Arrows also competed in the post-conference tournament held October 2nd at Thornapple Point and finished fourth overall. Considering that Grand Rapids Christian, Caledonia and Forest Hills Central are in their conference, Stevens was

quite happy they finished in fourth. "The top three teams are very strong and when you consider our third place team won the regionals, that gives you an idea of what we're up against," said Stevens.

The team has been battling Jenison and Grand Rapids East all year for that fourth spot and were tied with East most of the year, but managed to overcome them to take fourth. Alaine Thomas scored in the top ten at the tournament and received all-conference honorable mention honors.

"Overall, the girls are working hard and their hard

work is starting to pay off. Even last year, there was quite a gap between us and the powerhouse teams, but the girls worked year-round on their game and we're starting to catch up with other teams," added Stevens. "I'm excited for next year, but right now we're focused on getting Dani ready for states."

Krajewski will compete at the state tournament Friday and Saturday at Forest Akers Golf Course in East Lansing.



Dani Krajewski takes a practice swing.

- FOOTBALL

Arrows stomp Caledonia, 53-25

by Karen Jack

In a battle of unbeaten teams in the OK White conference, Lowell came out victorious beating Caledonia 53-25 at the homecoming game on Friday.

At first, it looked like it might be a close game, with Lowell scoring twice on their first two drives and Caledonia answering with two scores of their own to

stay up with the Arrows. But Lowell scored again twice in the second quarter and then ran away with it for the rest of the game.

In the second play of

the game, Kyler Shurlow threw a 55-yard touchdown pass to Dylan Brower. The Arrows' defense held Caledonia to three and out on their first possession and then responded with another Shurlow touchdown pass to Josh Branagan for 32 yards. On their next possession, Caledonia scored a touchdown but failed on the point after attempt, to make the score 14-6.

Lowell moved the ball down the field on their next possession, but couldn't get the first down at Caledonia's five-yard line, so sent Austin Bieri in to make the field goal, giving Lowell a 17-6 lead.

Caledonia came out in the second quarter and scored another touchdown, but this time went for two for the point after attempt, but failed, so Lowell was ahead 17-12. Lowell's next possession resulted in a Shurlow touchdown run to put the Arrows up 25-12 after a two-point conversion run by Shurlow as well. Caledonia responded with another touchdown, but once again couldn't make the point after field goal.

The Arrows' next possession resulted in another touchdown on a one-yard run from Shurlow, after several short rushes by Brower, Kanon Dean and

Shurlow, as well as a 34-yard pass to Jeff Houston.

In the second half, Shurlow passed to Houston for two yards and Ben Bigham for 46 yards, then ran it in on a seven-yard rush. The Arrows scored again on their next possession on a 79-yard touchdown pass to Bigham.

The final score was on a 33-yard touchdown pass to Josh Bearup to put the Arrows up 53-18. Caledonia managed to score again at the end of the game to make the final score 53-25.

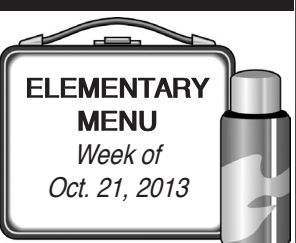
Leading rushers were Dean with 69, Shurlow with 55 and Brower with 38. Bigham led the receivers with 181 yards, followed by Brower with 88 yards. The defense held Caledonia to only 13 yards passing, compared to Lowell's 376 yards. Shurlow was 13 for 17 in passing.

The Arrows host Grand Rapids Christian on Friday to determine the OK White champion. Game time is 7:00 pm.



The Red Arrows take the field.

LUNCH MENU



MON: Hot dog on WG bun, sweet potato coins, fruit & veggie bar: spinach & romaine side salad, fresh baby carrots, applesauce, pears, milk.

TUES: Beef & cheese nacho, refried beans, fruit & veggie bar: spinach & romaine side salad, fresh red pepper strips, banana, mixed fruit, milk.

WED: WG pancake & scrambled eggs, warm cinnamon apples, fruit & veggie bar: spinach & romaine side salad, fresh baby carrots, fresh grapes, orange wedges, milk.

THURS: Grilled cheese on WG bread, tomato soup, fruit & veggie bar: spinach & romaine side salad, broccoli florets, mandarin oranges, fruit goop, milk.

FRI: Homemade cheese pizza on WG crust, fresh celery sticks, fruit & veggie bar: spinach & romaine side salad, fresh celery sticks, fresh apple, pears, milk.

Harvest Celebration, continued

and the live musical entertainment provided by local band Homebrewed. Proceeds from this year's cook-off will benefit the Lowell American Legion.

Folks at the Laurels of Kent hosted the Howl'Fest Pet Parade and offered prizes and treats to both the furry friends who participated as well as their optionally furry owners. Awards were given for pet costumes in categories such as best super hero, best fall theme and looks like owner.

Over at the fairgrounds the Lowell Area Chamber of Commerce and the Kent County Youth Fair presented, for the first time, the Autumn Marketplace. The Dairy, Beef and Reath Barns along with the greens

were open with vendors selling anything from crafts to antiques and from repurposed items to fresh produce.

Also located inside the barns was the Lowell Dog Park Pet Expo featuring a wide variety of pet supply vendors and pet adoption information. Guests were encouraged to bring their best friends along for the shopping and learning experience.

Flat River Outreach Ministries (FROM) teamed up with the Lowell High School Interact Club, a community service organization sponsored by the local Rotary Club, for the Scarecrow Building Hoedown which is a favorite among families in

the Lowell community. The event kicked off at 10 am and continued until supplies ran out. The two organizations provided clothing, straw and decorative features like hats and hair for the scarecrows. Members of Interact club assisted builders with construction after they finished the decorative process.

This year, the scarecrows were a take-home item, as they are no longer displayed along Main Street as in past years due to a number of complaints from citizens who found them distracting while driving. The funds raised by the cooperative straw stuffing event will be split between the two groups to use toward their respective

missions of generosity.

Whether it was the collection of musicians on the green, the many varieties of scrumptious chili or the fun family activities that brought people out to the celebration, it seems that fun was had by all who attended.



Chili samples were dished out by nearly thirty competing teams.



Young scarecrow builders color faces on their pillow case heads.



Members of the Lowell High School Orchestra perform on the green.

Annual Harvest Hustle raises funds for Lowell Community Wellness

by Tim McAllister
contributing reporter

This year's Harvest Hustle "5K" run took place on a perfect, sunny, Saturday morning, Oct. 12.

The event, put on by Lowell Community Wellness, was in its ninth year.

"Some people maybe don't have a lot of experience with running," said event organizer Nikki Snyder, "so we try to scale ours down for the whole family."

Over 70 people participated, many while

wearing elaborate costumes or pushing heavy strollers, including four firemen from Alto who ran while wearing 40 pounds of equipment.

"It's the same equipment we'd wear into a fire except the boots," said Alto chief Phil Dougherty.

Dougherty was confident he and his men would do well despite the obvious extra obstacles.

"We're determined," Dougherty said. "We've done a few training runs, so I know we can do it. We'll see how it goes with the hills, but we'll be fine."

The winner, with a time of 18 minutes 14 seconds, was Brian Fahey of Rockford.

"This was pretty challenging," Fahey said. "It was a good effort today."

With a time of 20:42, Amanda Rogers was the fastest woman. Malachi

Mills won the children's division with a time of 22:53.

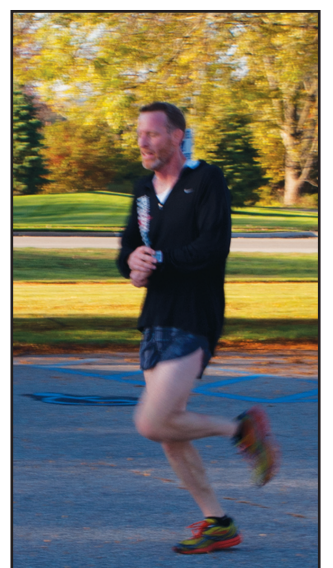
City councilmember Andrew Schrauben ran while pushing his two young children in a stroller.

"He's 30 pounds, he's 20 pounds and the stroller is 20 pounds," Schrauben said. "I walked most up-hills."

The day was gorgeous, with no clouds and temperatures in the 60s.

"It's beautiful weather; we were very blessed this year," said Snyder.

"You couldn't ask for a better day," Fahey said.



Brian Fahey's first-place finish.

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If Lowell Schools wins, Lowell students have determined to split the money as follows: 30% to technology; 30% to Arts; 30% to Athletics and 10% for the safe driving effort.



Four firemen from Alto participated in the Harvest Hustle.

Seniors crown 2013 homecoming king and queen



Kortney Beachler and Alex Chavez as the king and queen.

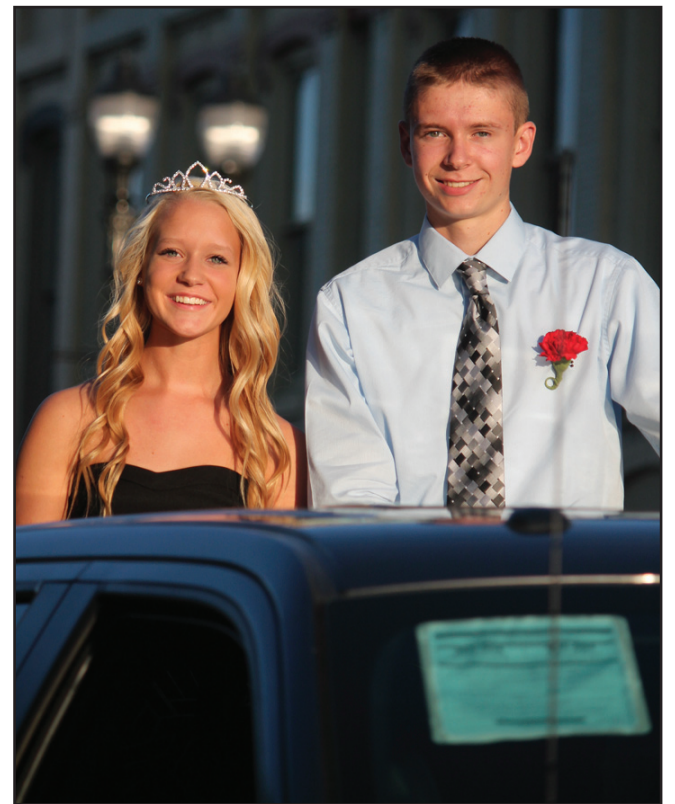
by Karen Jack

Lowell seniors chose Kortney Beachler and Alex Chavez as their 2013 homecoming king and queen this week.

In Lowell tradition, Chavez was crowned at the pep assembly on Friday and the anticipation for naming the queen had to wait until halftime at Friday night's game.

The king's court included Zach Fotis, Kanon Dean, Zach Kaywood and Dylan Brower. Shelby Antel, Morgan Groendyke, Lauren Blanchard and Amanda Susnak were all on the queen's court.

Junior representatives were Louie Hart and Paige Wilson. Sophomore representatives were Derek Massey and Brianna Massey. Alex Powell and Amber Curtis were the freshmen representatives.



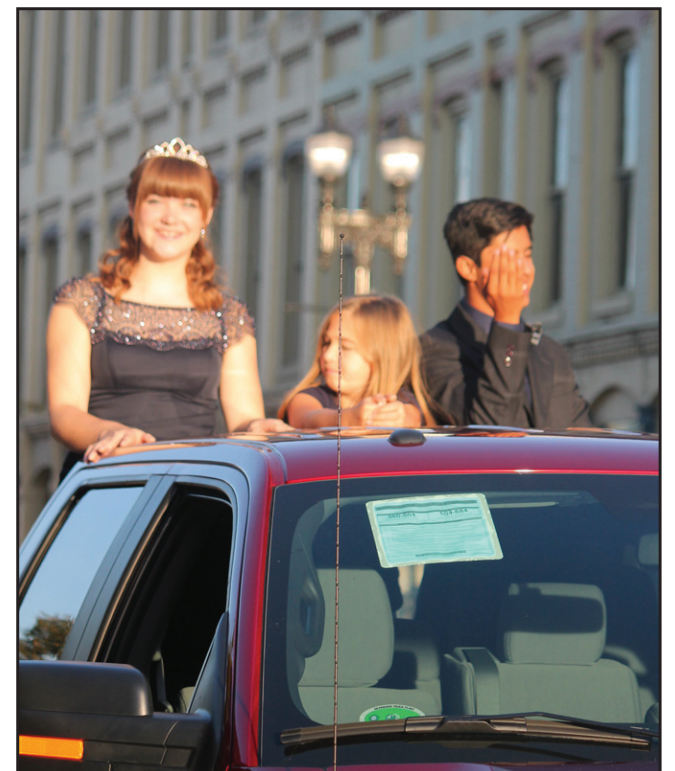
Freshmen representatives Amber Curtis and Alex Powell.



The team enjoyed a sizeable homecoming win against Caledonia.



Sophomore representative Brianna Massey.



Louie Hart and Paige Wilson as the junior representatives.

Gilda's Club and Lowell YMCA team up

by Kathryn Atwood
contributing reporter

Gilda's Club and the Lowell YMCA are teaming up against cancer in early 2014 when they introduce the LIVESTRONG program at the YMCA which focuses on fitness for adult cancer survivors. The program, which was recently funded by the Lowell Area Community Fund, emphasizes the need to support survivors and to focus on health instead of the disease they have battled.

focus being on the physical side by bridging the gap between medical care and a return to normal life, along with Gilda's addressing the emotional side which seems to be forgotten in medical treatment."

If you or someone you know could benefit from this cancer wellness program you can contact Draigh at the Lowell YMCA, 897-8445, for additional information.

The 12-week classes are provided free of charge and will be led by trained cancer exercise specialists. These specialists will reintroduce participants to a variety of activities, including weight training, cardiovascular exercises and low impact workouts like yoga and Pilates.

In addition to the physical conditioning, members of Gilda's Club will also be offering a small educational piece each week during class related specifically to the cancer journey.

Lead health and wellness specialist at the Lowell branch of the YMCA, Lynn Draigh, had this to say about the team effort of the community foundations, "I think it will make the program very well-rounded; the Y's main

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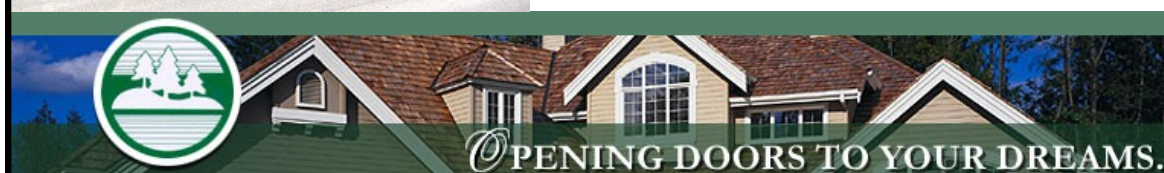
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obituaries

HERRERA

Andrea Marie Herrera, age 20 of Lowell, went to be with Jesus on October 10, 2013 due to accidental automobile injuries, along with her boyfriend Eric Fischer. Andrea was beautiful inside and out. She was caring, creative, and talented, with a love for art and photography. She was a 2011 graduate of Lowell High School and was working toward a degree in Graphic Design. Andrea is survived by her parents Casey and Mary Lynch and Scott and Daris Herrera; brothers, Anthony (Kahley Mallehan) Herrera, Tyler Lynch, and Alex Herrera; grandparents, Don and Carol Hoffman, Pete and Ramona Herrera, Dallas Rogers, and Diane Henney; aunts and uncles, Martha (Gabe) Goodrich, Mandy (Jack) Spratto, John Hoffman, Tito (Val) Pizafña, Bill Herrera, Chris (Babette) Herrera, Kim (Roger) Osborn-Bulliss, Tina (Dean) Monroe, Scott Lynch, Jim Lynch, Dominick (Michele) Ritchie and Dionn (Dave) Marshall, along with great aunts and uncles, cousins, and many, many friends. She was preceded in death by grandparents Casey and Meredyth Lynch. Funeral Service were held. Interment Bowne Mennonite Cemetery.



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Spouses have a significant benefit

Social Security can be an important financial asset for married couples when the time comes to apply for retirement benefits. In many cases, one spouse may have earned significantly more than the other, or have worked for a longer span of years. Or it could be that one spouse stayed home to do the work of raising the children or caring for elderly family members while the other focused on a career.

Regardless of your situation, Social Security will look at all possibilities to make sure both spouses receive the maximum benefit possible.

Even if you have not paid Social Security taxes, it's likely you'll be eligible to receive benefits

on your spouse's record. If you did work and pay into Social Security, we will check eligibility based on your work record and your spouse's to see which amount is higher.

You can apply for spouses benefits the same way that you apply for benefits on your own record. You can apply for reduced benefits as early as age 62, or for 100 percent of your full retirement benefits at your "full retirement age." You can find your full retirement age, based on your birth year, at www.socialsecurity.gov/pubs/ageincrease.htm.

The benefit amount you can receive as a spouse, if you have reached your full retirement age, can be as much as one-half of your spouse's full benefit. If you opt for early retirement, your benefit may be as little as a third of your spouse's full benefit amount.

If your spouse has already reached full retirement age but continues to work, your spouse can apply for retirement

benefits and request to have the payments suspended until as late as age 70. This would allow the worker to earn delayed retirement credits that will mean higher payments later, but would allow you to receive your spouse's benefit.

You can also apply for spouse benefits based on the earnings record of an ex-spouse or deceased spouse if you were married for at least 10 years. Spouses can consider a number of options and variables. We make it easier to navigate them. A good place to start is by visiting our benefits planner at www.socialsecurity.gov/planners. Take note of the "Benefits As A Spouse" section.

If you are ready to apply for benefits, the fastest, easiest, and most convenient way is to apply online! You can do so at www.socialsecurity.gov/applyonline.

Whether you receive benefits on a spouse's record or your own, rest assured we will make sure you get the highest benefit we can pay you. Learn more at www.socialsecurity.gov.

Vonda VanTil is the public affairs specialist for West Michigan. You can write her c/o Social Security Administration, 3045 Knapp St NE, Grand Rapids, MI 49525 or via email at vonda.vantil@ssa.gov

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LOWELL CHARTER TOWNSHIP

NOTICE FOR TESTING OF ELECTRONIC EQUIPMENT FOR THE NOVEMBER SCHOOL ELECTION

NOTICE IS HEREBY GIVEN that the Public Accuracy Test for the November 5, 2013 School Election will be conducted Tuesday, October 22, 2013 at 10:00 a.m. at the Lowell Township Hall, 2910 Alden Nash S.E., Lowell, MI 49331.

Linda S. Regan, Clerk
Lowell Charter Township

NOTICE BOWNE TOWNSHIP M-100 TABULATOR TESTING

The public accuracy test of the M-100 Tabulator will be held on Wednesday, October 23, 2013 at 9:30 a.m. in preparation for the upcoming Lowell Area Schools Building and Site Sinking Fund Millage to be authorized to levy a new additional millage of not to exceed 1 mill (\$1.00 per \$1,000 of taxable valuation) to create a sinking fund to be used for the construction or repair of school buildings, purchase of real estate for sites, and other purposes authorized by law, for a period of seven (7) years, 2014 through 2020, inclusive (estimated to provide revenues of approximately \$740,920 in 2014). The election will be held on Tuesday, November 5, 2013 at the Historic Township Hall located at 8240 Alden Nash SE, Alto, Michigan 49302.

Voters may request absentee ballots in the Township Office on Saturday, November 2, 2013 from 11:00 a.m. to 2:00 p.m., and on Monday, November 4, 2013 from 9:00 a.m. to 4:00 p.m. Contact the Township Office at 616-868-6846.

Sandra L. Kowalczyk
Bowne Township Clerk

CITY OF LOWELL PUBLIC NOTICE

The City of Lowell has two positions available on the Planning-Citizen Advisory Commission Board, one position on the Arbor Board, one position on the Downtown Historic District Commission and one position on the Light and Power Board. City residents who are interested in serving on any of these boards should submit a letter of interest to the City Clerk, Lowell City Hall, 301 East Main Street, Lowell, Michigan 49331 by 12 noon on Friday, November 1, 2013.

Betty R. Morlock
City Clerk

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2	8	1	6	7	4	3	5	9

Riverwalk expansion to be completed by November

by Justin Tiemeyer
contributing reporter

Over the past few weeks, Lowell citizens strolling past the showboat have noticed that the Riverwalk extension project is starting to take shape. Originally planned to conclude in October, the project is expected to be substantially completed by mid-November.

City manager Mark Howe has been heavily involved in the process. He said that the delay was due to a contractor who had trouble acquiring decking material in a timely manner. Otherwise, Howe reported, everything has gone smoothly.

“Not sure where I would rank this project,” Howe said. “But it’s certainly in the top ten of our accomplishments over the past two years.”

The expected total cost of the project is \$460,000, which is slightly higher than Howe had originally anticipated. The city of Lowell was able to obtain

a \$300,000 grant from the Natural Resources Trust Fund two years ago and three grants of \$50,000 each from the Lowell Area Community Fund, the LCTV Endowment Fund and the Downtown Development Authority. The remaining \$10,000 will come from an Arbor board grant and the general fund.

The idea for the Riverwalk extension came about several years ago. The current iteration of this project was designed by a landscape architect specifically for the feel of the site and Lowell in general. Round decking near the fishing deck, for example, was designed with a showboat wheel in mind.

Though the main project will be completed in a few weeks, a series of additions have been proposed for the next few years. First among these is a kayak/canoe launch that will be installed in the spring.

“There is still some discussion about the

potential for a west side boardwalk or even a bridge across the Flat River that would connect at the north end of this project,” Howe

said. “The bridge would help us create a connection for the 125-mile River Valley Rail Trails that enter Lowell at Foreman Street to

the north and the Kent/Ionia County line to the east.”

The city has not yet finalized a ribbon cutting ceremony, but if the various

recent festivals are any measure, it is likely to be an exciting and highly attended event.



The Riverwalk extension is taking shape.

Candidates, continued

wanted to help his brothers and sisters out.

“I want to make a difference,” he said.

Mayer’s name is not on the November 5 ballot. He is running as a write-in candidate, which makes it much more important for him to get his name out to the citizens of Lowell.

Mayer admits that he has never run for office,

not even in high school, but aside from being a manager at Ace Hardware, he was responsible for the safety of every pilot on his aircraft carrier when he was a ground support specialist in the Navy.

Mayer wants to accomplish two things: to better understand what small city government is about and to remedy the

problems that city workers are currently facing.

“I’m not a politician. I’m just a guy who grew up in the U.P. and moved here,” Mayer said. “Give it to me straight. Don’t lie to me. Don’t soften the edges.”

Mayer’s biggest concern is that many people do not know him by name. He is known by many as “The Ace Hardware Guy”

or “the little redheaded guy at Ace,” but for this election he is the person whose name you’ll have to memorize.

“You actually have to write my name in,” Mayer said.

Jim Hall, Jim Hodges and Christopher Schwab were contacted for interview but were not available for comment in time for publication of this article.

Thebes Players present *Over the River and Through the Woods*

Over the River and Through the Woods, a family comedy written by Joe DiPietro, will be performed by the LowellArts! Thebes Players Oct. 18 to Nov. 2.

This production will take place in downtown Lowell at Larkin’s Other Place, 301 W. Main St. on Friday and Saturday evenings, October 18, 19, 25 and 26; November 1 and 2; with a Sunday matinee on October 27. In the evening performances, dinner begins at 6:30 pm and the play begins at 7:30 pm. The Sunday afternoon dinner begins at 1:30 pm and the play follows at 2:30 pm.

Tickets are \$25 for dinner and theatre (advance only, reservations required) or \$13 for theatre only (advance or at the door). Call 616-897-8545 to purchase tickets.



‘Prisoners’ gives the audience what they want

by Tony Wittkowski
contributing reporter

Few movies can invoke the kind of dread, sadness and raw anger a family goes through when they experience every mother and father’s worst nightmare: their child has gone missing.

The new movie “Prisoners,” starring Hugh Jackman and Jake Gyllenhaal, personifies the heartbreak and rage

parents feel when their child disappears without a trace and how far they are willing to go to get their children back.

Jackman stars as Keller Dover, a carpenter and father, whose daughter disappears along with her friend on Thanksgiving. Police detective Loki, played by Gyllenhaal, is assigned to the case and

vigorously searches for clues to hopefully find the young girls still alive.

Believing the police are not doing enough to find his daughter, Jackman kidnaps a suspect he believes knows where his daughter is and proceeds to “do what’s necessary” to get the person to talk.

The plot of the movie feels a little cliché, but never has the tale been told with such raw power and grit.

Throughout the film, the audience is left with more questions than answers about the disappearance, building more and more suspense and emotion as the movie rolls onward.

Cinematically, the film captures a beautiful yet gloomy atmosphere, making every scene feel like it could be happening right outside your window during a rainy day.

With the exception of a few minor characters that have very little screen time, the acting is superb, with every scene appearing well

thought out and directed accordingly.

The only downfall of “Prisoners” is its whopping 2 hour and 33 minute length that will guarantee anyone who bought a drink will need a bathroom break and end up missing out on an important scene.

The end of the movie is a little awkward, but understandable. The film would be more complete if another 10 minutes or so were added for closure, but that would be asking a lot for audiences who are already squirming in their seats.

“Prisoners” might be incredibly long, but every minute of the film matters and keeps audiences worried about the fate of the two missing children. Any movie that can be so long and keep the audience emotionally involved is worth seeing.

Rating: 5 out of 5
Rated: R
Runtime: 153 minutes

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**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
EMPLOYMENT RELATIONS COMMISSION**

In the Matter of:

CITY OF LOWELL,

Public Employer-Respondent,

Case No. C13 C-050

Docket No. 13-000390-MERC

-and-

INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS (IBEW), LOCAL UNION 876,
Labor Organization-Charging Party.

APPEARANCES:

Fil Iorio and Kurt Kline, for the Charging Party

John R. McGlinchey and Sarah L. Harwood, for the Respondent

**DECISION AND RECOMMENDED ORDER
OF ADMINISTRATIVE LAW JUDGE**

Pursuant to the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.201 *et seq.*, this case was assigned to Doyle O'Connor, of the Michigan Administrative Hearing System, acting on behalf of the Michigan Employment Relations Commission (MERC).

The Unfair Labor Practice Charge:

On March 30, 2013, a Charge was filed in this matter, with an Amended Charge filed on May 17, 2013, against the City of Lowell (the Employer) by the International Brotherhood of Electrical Workers (IBEW) Local 876 (the Union or IBEW). The Charge alleged that the Employer unlawfully withheld certain employment benefits from IBEW unit members, in particular, it was alleged that water department employee Todd Phillips was denied a scheduled pay increase of \$1.00 per hour, in retaliation for Union activity, and that the entire IBEW unit was discriminatorily denied a \$1,000.00 bonus given to all City employees. The Union alleged that the Employer had interfered in employee exercise of rights under PERA, in violation of Section 10(1)(a); had retaliated against employees for engaging in protected activity, in violation of Section 10(1)(c); and has refused to bargain in good faith, in violation of Section 10(1)(e).

The matter proceeded to trial on August 7, 2013. The parties had a full opportunity to present evidence through testimony and documents. At the conclusion of the hearing, the parties reserved the possibility of presenting a rebuttal witness. That testimony was to be on the narrow question of whether employee Brian J. VanVeelen had received the \$1.00 per hour promised pay increase upon receiving his F-2 water filtration license in 2011. Despite the Employer's denial at trial, the parties submitted a stipulation post-trial that VanVeelen had earlier received the pay increase that was later denied to Todd Phillips.

Findings of Fact:

The IBEW was first certified to represent a unit of City of Lowell employees in late 2011, began bargaining with the Employer in January of 2012, and was still seeking to negotiate its first contract with the City as of the August 2013 trial date in this matter. The IBEW unit consisted of seven or eight employees, out of a total City workforce of about 25 individuals.

The original charge alleged that in the immediate aftermath of the Union securing bargaining rights, the Employer withheld what was otherwise a scheduled pay increase of \$1.00 per hour from bargaining unit member Todd Phillips upon his securing a new level of licensing, because of, in retaliation for, and to discourage Union activity. Despite orders directed at determining the degree of factual dispute facing the tribunal, the Employer, in its several Answers, in essence refused to address factually whether the disputed pay increase was in the nature of an otherwise regularly scheduled pay increase, which, but for a decision to the contrary, would have been received by Phillips in the ordinary course of events. The Employer did acknowledge a failure to provide the disputed pay increase and asserted that it failed to do so because the Union was recently certified. The Employer also claimed that the pay increase was withheld based on its analysis of obligations arising under 2011 PA 54.

The Amended Charge added the allegation that the Employer refused to provide requested and relevant information regarding the distribution of the unscheduled \$1,000 increase to all full-time City employees other than the IBEW members (and according to Howe, to Howe himself). The Employer's answer asserted that the information was neither relevant nor necessary; however, belatedly and after the Charge was filed the City through counsel, in May 2013, provided a single page report by the deputy treasurer dated December 2012.

The Amended Charge also asserted that the Employer provided an un-scheduled pay increase of \$1,000.00 to all City employees, other than those in the newly organized IBEW unit. The Amended Charge asserted that the City Manager expressly asserted that the IBEW members would not receive the pay increase received by all other City employees because they were engaged in negotiations for their first contract.

Again, despite my efforts to attempt to ascertain the degree of legitimate disputes of fact, the Employer in its several answers, refused to factually address the allegation by the Union that all City employees other than the IBEW members were given the \$1,000 increase. The Employer ultimately asserted that it withheld the \$1,000 increase on the theory that a unilateral implementation would have been unlawful, even though the Union expressly and in writing waived any objection to the implementation of the bonus.

In a pre-trial letter of June 18, 2013, I brought to the attention of the Employer that the withholding of a promised pay increase, if done in response to employees choosing union representation, would likely violate the Act. See, *Detroit Public Library*, 1997 MERC Lab Op 689.

A review of the record reveals no legitimate dispute of material fact. The newly organized IBEW unit included employees in the water distribution system, the streets and parks, fleet maintenance, and the cemetery. Among those, the employees relevant to this dispute are the water treatment and distribution staff consisting of Brian VanVeelen, Ralph Brecken, and Todd Phillips. Prior to unionization, each employee had been requested to sign what amounted to individual contracts, co-signed by the city manager and the supervisor of the treatment plant. That agreement unequivocally provided that upon attaining ever increasing levels of State certification in their particular fields, each employee would receive specific pay increases set out on a grid. The State certifications required passing State licensing exams, in water treatment, with license gradations F-4 through F-1, or in water distribution, with license gradations of S-4 through S-1.

In February 2013, water department employee Phillips received his F-4 license from the State and was therefore recommended for a \$1.00 per hour raise by Brian VanVeelen, who was the crew-boss of the water department. City Manager Mark Howe refused to pay the increase, asserting that he could not lawfully grant such an increase while in bargaining with the Union, and later claiming that there had never been a policy of paying such an increase upon receipt of the new licensing level. Despite maintaining that assertion throughout his testimony,

Howe's claim was untenable and was contradicted by the documentary evidence and by the City Treasurer's office.

The proofs established that in each prior instance when an employee advanced in licensing status, they received the pay increase as set forth in the identical individual agreements that each employee signed and which were signed by the prior city manager. The Union in its case in chief introduced the agreements signed by employees Brecken and VanVeelen, each of whom had been promised, and had received, the same increases. A memo prepared by the City deputy treasurer, in response to a Union request for information, established that each of the employees had received the promised pay increases upon reaching every new level of licensing. The Union did not introduce, and apparently did not have, a copy of an agreement signed by Phillips.

The Employer, and in particular City manager Howe, insisted that the Brecken and VanVeelen agreements were special and had not been offered to all employees. Notwithstanding that testimony by Howe, before the end of the hearing, the Employer's counsel disclosed the existence of and introduced a copy of a signed agreement between the City and Phillips. That agreement, which pre-dated unionization and which was counter signed by the City manager and the water department supervisor, expressly provided that Phillips would receive the \$1.00 per hour increase upon receiving his F-4 license, just as had his coworkers. Phillips had in 2008 received his S-3 and S-4 State certifications and had promptly received the pay increases promised in the same agreement that promised the \$1.00 pay increase upon receiving F-4 certification.

Howe also testified insistently, and untruthfully, that VanVeelen, who was not present for the hearing, had never received one of the pay increases, despite the contrary assertion in the May 8, 2013, memo from the City treasurer that had been introduced as a joint exhibit. Howe implausibly insisted that he had independently, out of curiosity, reviewed the City records back in 2011, paying special attention to VanVeelen's pay rates, and that the deputy treasurer, who was in charge of the payroll records, was wrong. The record was held open to allow the Union to call VanVeelen as a rebuttal witness. That proved unnecessary as counsel for the parties instead filed a post-trial stipulation acknowledging that VanVeelen had received the promised increase, as asserted by the Union, and despite the vehement denials by Howe.

Howe met with Phillips and Union steward Ralph Brecken on February 19, 2013, regarding the withheld \$1.00 per hour pay increase. At that meeting, Howe did not dispute that City policy required paying

Findings, continued

the increase to Phillip; rather he insisted that because the employees had joined a Union and were now in bargaining, the City was “*prohibited by law*” from giving the increase to Phillips. Brecken also asked to speak to the City Council about the issue and was told that “*the law prohibited*” Brecken from addressing the Council. Howe’s own email of February 20, 2013 confirms Brecken’s version of the meeting. In his testimony, Howe admitted refusing to pay Phillips the \$1.00 per hour scheduled increase because the parties were in bargaining.

After the grievance meeting concluded, Howe remarked to Brecken that “*I’m sure you have heard through the grapevine that the other city employees received \$1,000 bonus*” and that Howe claimed “*I really wanted to give it to you guys, but I couldn’t because of the law*”. Brecken had not heard about the bonus and disagreed with Howe about withholding it from the IBEW crew. Howe as City manager determined who received the bonus checks.

As Brecken went to leave the meeting, Howe opined that he felt that “*the Union was misleading them and leading them astray and that due to the Union’s arrogance and unwillingness to negotiate, they did not have a contract*” and, consequently, the IBEW members were not getting the \$1,000 bonus Howe had given all other employees. Howe admitted making comments of the sort attributed to him by Brecken, although characterizing them differently. To the extent of differences in their description of the meeting and comments made there, I credit Brecken, as Howe was generally not credible. Based in part on his own demeanor, and frankly his smugness, in testifying about that exchange, I find that Howe raised the \$1,000 bonus given to all other employees with Brecken as a deliberate provocation. Howe sought, by raising the issue, to affirm his own authority by underscoring his personal ability to dole out an unscheduled bonus to those he favored, without City Council approval, and to withhold bonuses from those disfavored employees. Further, Howe sought to signal to the Union membership that they would gain nothing by joining a Union, and that in fact, they would lose out on benefits given to all other City employees.

Howe’s antipathy to the unionization of the IBEW unit was transparent, both in his actions and in his demeanor while testifying. At the table, Howe insisted that any contract would have to include the IBEW members being employed at will; that the City reserved the right to replace the full-time IBEW members with non-bargaining unit part-timers; and that the City reserved the right to sub-contract all of the IBEW work.

In his testimony, Howe refused to be constrained by the efforts of the City’s counsel to limit his extemporaneous comments. Howe went off on his belief that it was the Union which was bargaining in bad faith. He made clear that he was outraged by the fact that yard signs appeared in the City supportive of the City employees. He complained that Union supporters were showing up at City Council meetings and making “*personal attacks*” against him, which for him included any criticism of his performance or bargaining stance.

Howe *sua sponte* offered that he was particularly incensed that a newspaper ad ran which was supportive of the City employees. With no relevant question before him, Howe asserted that Todd Phillips, to whom Howe denied the scheduled pay increase, had been one of those listed as a member of an organization which ran the newspaper ad. Howe testified that he believed it improper of Phillips because running the newspaper ad “*was going outside the bargaining table to illustrate [the Union’s] position on issues*”, while acknowledging that Phillips was not on the bargaining team regardless. Howe described the advertisement as listing and explaining several issues of concern to the Union. Howe believed it to be within his power to prohibit the Union from addressing the City Council; from encouraging the placement of yard signs by supportive citizens; from encouraging members and supporters to speak at City Council meetings; and from presenting their views in the media. It was apparent that Howe also felt it within his authority to take action against Phillips in response to Phillips apparent involvement in the advertisement.

By the conclusion of the hearing, I cautioned the Employer’s counsel that there appeared to be no material dispute over the promise and withholding of the \$1.00 per hour increase withheld from Phillips. I similarly cautioned the parties that there appeared to be no legal impediment which would have precluded the City of Lowell, given the Union’s express concurrence, from providing the \$1,000.00 bonus which was withheld from the IBEW unit members, but had otherwise been given out uniformly. The parties were encouraged to seek voluntary resolution of their disputes.

Discussion and Conclusions of Law:

Section 10(1)(a) of PERA prohibits employers from interfering with, restraining, or coercing employees in the exercise of rights protected under the Act, as does the identical provision in the NLRA, Section 8(a)(1). The test under both statutes of whether that prohibition has been violated does not turn on the employer’s motive for the proscribed conduct or the employees’ subjective reactions to it, but rather whether the employer actions may reasonably be said to interfere with the free

exercise of protected employee rights. See e.g. *City of Greenville*, 2001 MERC Lab Op 55, 58; *Carry Companies of Illinois v NLRB*, 30 F3d 922, 934 (CA 7 1994); *Mediplex of Danbury*, 314 NLRB 470, 472 (1994); *Cooper-Jarrett*, 260 NLRB 1123 (1982); *American Freightways Co*, 124 NLRB 146, 147 (1959).

Animus or motivation is not a necessary element of a 10(1)(a) violation. Proof of an employer’s intent is a necessary element only of a violation of Section 10(1)(c). *City of Detroit Water & Sewerage Dept.*, 1993 MERC Lab Op 157, 167. The test for 10(1)(a) is whether the conduct complained of is inherently destructive of important employee rights. *St. Clair County Intermediate School District*, 2001 MERC Lab Op 218; *City of Detroit (Fire Dept)*, 1988 MERC Lab Op 561; *City of Detroit (Fire Dept)*, 1982 MERC Lab Op 150. See also *NLRB v. Erie Resistor Corp*, 373 US 22 (1963).

To establish a 10(1)(c) retaliation violation, the Charging Party must meet the following standard:

Where materially adverse employment action has occurred, the elements of a prima facie case of unlawful discrimination under PERA are: (1) union or other protected activity; (2) employer knowledge of that activity; (3) union animus or hostility toward the employees’ protected activities; and (4) suspicious timing or other evidence that protected activity was a motivating cause of the alleged discriminatory actions. *Warren Con Schs*, 18 MPER 63 (2005); *City of St Clair Shores*, 17 MPER (2004); *Grandvue Medical Care Facility*, 1993 MERC Lab Op 686.

The duty to bargain in good faith under Section 10(1)(e) includes the obligation of both parties to “*actively engage in the bargaining process with an open mind and a sincere desire to reach an agreement*”. See, *Union-Sebewaing Area Schools*, 1988 MERC Lab Op 86, relying in turn on *DPOA v Detroit*, 391 Mich 44 (1975). An analysis of an alleged bargaining violation requires a review of the totality of the circumstances. *Capac Comm Schls*, 23 MPER 46 (2010); *Flint Twp*, 1974 MERC Lab Op 152, 157; *Warren Education Association*, 1977 MERC Lab Op 818; *Mecosta Co Park Comm.*, 2001 MERC Lab Op 28, 32 (no exceptions).

The Denial of the \$1.00 Increase and the \$1,000.00 Bonus Violated Sections 10(1)(a) & (c)

There is no factual dispute regarding the \$1.00 per hour pay increase or the \$1,000 bonus. Todd Phillips was scheduled to receive a \$1.00 per hour pay increase immediately upon receiving his State F-4

licensing. He received the licensing, yet he was denied the pay increase. It is undisputed, and in fact admitted, that if Phillips and his coworkers had not joined the IBEW, Phillips would have received the \$1.00 increase. It was transparent that not only was there animus directed at the employees for having joined a Union, City manager Howe could scarcely contain himself on the witness stand in his diatribes against the workforce for their temerity in opposing his authority by joining a Union.

The City asserts that it would have violated PERA to give Phillips his admittedly scheduled increase, as doing so would have supposedly denigrated the role of the Union as the employees’ exclusive bargaining agent. Here of course the Union not only expressly agreed to the payment of the scheduled wage increase, but objected to it being withheld. The City was well aware that MERC precedent, and common sense, did not support the withholding of the scheduled pay increase under these circumstances. The Commission rejected just such a defense in *Detroit Public Library*, 1997 MERC Lab Op 689, where, on the same theory, an employer denied to its workforce pay increases which had been promised prior to the employees exercising their statutory right to join a Union.

The purpose of the prohibition on an Employer granting pay or benefit increases unilaterally during bargaining is to prevent interference with employee free exercise of their right to select an exclusive bargaining agent. That goal is obviously not served by withholding from employees benefits already promised, which does more to interfere in employee rights than any granting of an unbargained-for benefit.

I likewise reject the Employer’s *post hoc* assertion that Phillips’ pay increase was not owed because it was “contingent” and not certain. The only contingency which existed and needed to be met was that Phillips pass the licensing exam and present proof of same. That contingency was met and, but for Phillips having joined the Union, he would have received his pay increase.

Moreover, it was apparent that Howe expressly intended to interfere in the exercise of rights and retaliate against employees for having joined a Union, by withholding the pay increase, as he made clear at the February 19th meeting. Howe had Phillips and Brecken in his office and, without denying that Phillips was entitled to the pay raise, Howe told them that he was personally withholding it because Phillips had joined the Union. Not content with that singular proof of his managerial authority, Howe then informed the two men that Howe, on his own authority, was giving every other full-time hourly City employee

Findings, continued

a \$1,000.00 bonus, which the men had not known, except for the IBEW bargaining unit members.¹ Still not content, Howe then veritably taunted the men with the assertion that it was their Union which was being unreasonable, and but for that supposed unreasonableness, they would have had a contract and been given the \$1,000.00 bonus.

The Employer defends, correctly, with the assertion that it had no independent obligation to provide the IBEW unit members with a \$1,000.00 bonus. It is equally true that the City had no obligation to give any employees a \$1,000.00 bonus. However, Howe acting on his own authority decided to give out such largesse. He then taunted the IBEW unit first by telling them of the bonus which they did not even know about. Next, he assured them that they too would have been blessed by his beneficence if they hadn't joined the IBEW.

Howe's obvious goal in withholding the pay increase and the bonuses was to re-affirm for the employees that Howe, and only Howe, controlled their conditions of employment. The purpose was to punish the employees for joining the Union and engaging in other protected activity, and to deter future protected activity. The goal, in sum, was to destroy support for the Union. Such conduct in blaming the Union for the non-receipt of pay increases or benefit improvements has long been held to be unlawful. See, *Interstate Smelting and Refining*, 148 NLRB 219 (1964), where the employer similarly told employees that "if it were not for the Union" the employees would have received raises. See also, *LRM Packaging*, 308 NLRB 829 (1992)²; *Parchment Schls*, 2000 MERC Lab Op 110.

The Employer has introduced a *post hoc* defense that the granting of the pay increases would have somehow violated 2011 PA 54, which amended PERA at MCL 423.215b. That Act was passed to restrict the payment of automatic step increases during bargaining, with such automatic pay increases perceived by the Legislature as a deterrent to timely bargaining, as the availability of such increases might deter the Union from making the tough compromises necessary in bargaining.

The Act provides that ". . . after the expiration of a collective bargaining agreement and until a successor agreement is in place" such pay increases shall be withheld. That statutory language must be applied according to its terms, and by its terms it is inapplicable to the

¹ Howe asserts that he did not give himself the bonus.

² Federal precedent under the NLRA is given great weight in interpreting PERA, at least where PERA's language is identical to that of the NLRA, although MERC is not bound to follow "every turn and twist" of NLRB case law. *Kent County*, 21 MPER 61, 221 (2008); *Northpointe Behavioral Healthcare Systems*, 1997 MERC Lab Op 530, 537; *Marquette Co. Health Dep't*, 1993 MERC Lab Op 901, 906.

present circumstances. The Employer argument ignores the unavoidable fact that the parties were not in a period "after the expiration of a collective bargaining agreement". There was no prior "collective bargaining agreement". The wage increase, and the bonus, was not compelled by any collective bargaining agreement, rather it was one determined solely by the Employer. PA 54 did not authorize or compel the Employer to grant pay increases to some employees and to withhold them from others for discriminatory and retaliatory reasons.

The withholding of the Phillips scheduled \$1.00 per hour pay increase, by Howe, and the withholding of the \$1,000 bonus, by Howe, violated Sections 10(1)(a) & (c) of PERA.

The Prohibition of Contacting City Council and Retaliation for Public and Media Comments Violated Sections 10(1)(a) & (c)

In the February 19, 2013, meeting, Howe expressly prohibited the Union generally and Union steward Brecken specifically from approaching the City Council with their concerns. Aside from the obvious First Amendment implications that any American sixth grader should be able to spot, the Howe order was a per se unlawful restriction on protected activity. See, *Wayne County*, 22 MPER 48 (2009); *Utility Workers*, 20 MPER 51 (2007). While public employee unions are obliged to bargain with the employer's chosen representatives, petitioning the government, lobbying, and engaging in appropriate speech during public comment portions of public meetings is a right of all Americans, even including public employees who belong to Unions. Labor relations in the public sector, frequently and appropriately, includes the publicizing of views by the parties on both sides of the dispute. After all, what is ultimately at stake is the question of what services will be provided and how public tax monies will be spent.

Not content with imposing prior restraints on First Amendment and PERA protected activity, Howe sought to punish the employees for engaging in other forms of communication which he had not thought to ban initially. Howe complained bitterly from the stand about the fact that the supporters of the Union had placed objectively inoffensive yard signs in the City. He singled out for criticism the fact that the Union had expressed its views in a newspaper advertisement, which Howe deemed to be bargaining in bad faith. He openly targeted Phillips for having apparently signed on to the newspaper ad, with Howe's venom towards Phillips being apparent from his *sua sponte* raising the issue from the witness stand.

While asserting that everyone else was violating Howe's own novel interpretations of the law, Howe violated Sections 10(1)(a) & (c) by interfering with employee exercise of rights under PERA and by responding with punitive and retaliatory actions when the employees did engage in protected activity.

The City Bargained in Bad Faith in Violation Sections 10(1)(e)

As noted above, when reviewing a claimed failure to bargain in good faith, the totality of the circumstances must be examined. Here, the parties have been in bargaining for a protracted period with, essentially, no progress. While neither side need yield on any particular issue, as noted above, each party must "*actively engage in the bargaining process with an open mind and a sincere desire to reach an agreement*". Additionally, adjudicated findings of other contemporaneous unfair labor practices by an employer, such as the interference, discrimination and retaliation violation findings made above are relevant circumstantial evidence of unlawful motive by that employer in the context of a discrimination or bad faith bargaining charge. See, *Oaktree Capitol Mgt*, 353 NLRB No. 27 (2009); *Shattuck Mining Corp v NLRB*, 362 F2d 466, 470 (CA 9, 1966). Each separate finding of an unfair labor practice must stand on its own merits; however, unlawful conduct occurring between the same parties during the same round of negotiations is certainly relevant. Indeed, such contemporaneous acts are unavoidably part and parcel of analyzing a party's conduct and the "totality of the circumstances".

Howe's bargaining posture, if one can call it that, was particularly antagonistic. At the table, Howe insisted that any contract would have to include the IBEW members being employed at will; that the City reserved the right to replace the full-time IBEW members with non-bargaining unit part-timers; and that the City reserved the right to subcontract all of the IBEW work. The Union was asked to give up all of the rights which might be found in an ordinary contract. Such proposals are far from the norm in the public sector and can only be viewed rationally as an effort to avoid reaching a contract with the Union, as a contract based on such terms would be tantamount to no contract at all. Howe's posture in bargaining was that he was to have the final word on every issue.

Howe backed up his intransigence in bargaining away from the bargaining table by demonstrating his muscle by the granting of bonuses to everyone but the IBEW unit and by withholding the raise promised to Phillips, precisely because the IBEW had not caved at the table. Howe actively sought to demonstrate to the unit that seeking to have the IBEW bargain on their behalf was futile. Howe doled out

\$1,000 bonuses to everyone but the IBEW unit, and withheld Phillips' scheduled increase, precisely so that he could show them his power and his contempt for the bargaining process.

Additionally, the City failed to timely respond to requests for information from the Union regarding the distribution of the \$1,000.00 bonuses. The information was provided by the Employer only after the filing of the Charge and the involvement of counsel, and even then, the information consisted of a single page memo issued months earlier which was in the Employer's ready possession. If providing the information only after a Charge was filed was a viable defense, the number of filings would multiply as initiating litigation became a necessary part of the ordinary process of requesting of information. See *City of Detroit (SEIU)*, 20 MPER 57 (2007).

By the totality of its conduct at the table and away from the table, the Employer failed to bargain in good faith, in violation of Section 10(1)(e) of PERA.

Conclusion

I have carefully considered all other arguments asserted by the parties in this matter and have determined that they do not warrant a change in the result. I find that the Employer, acting through City manager Howe, violated Sections 10(1)(a), (e) & (c) of PERA. For the reasons set forth above, I recommend that the Commission issue the following order:

RECOMMENDED ORDER

The City of Lowell, its officers, agents, and representatives shall:

1. Cease and desist from:
 - a. Failing to bargain in good faith with the representative of its employees;
 - b. Withholding scheduled pay increases to deter protected activity or retaliate against employees engaging in protected activity;
 - c. Withholding otherwise generally applicable bonuses to deter protected activity or retaliate against employees engaging in protected activity;
 - d. Interfering with or retaliating against employees for engaging in protected activity;
 - e. Denigrating IBEW Local 876 for the purpose of interfering in its representation of employees or for the purpose of deterring employees from engaging in protected activity.

Findings, continued

2. Take the following affirmative action necessary to effectuate the purposes of the Act:
 - a. Bargain in good faith with IBEW Local 876 with an open mind and a sincere desire to reach an agreement;
 - b. Immediately commence paying Todd Phillips the improperly withheld \$1.00 per hour pay increase, effective January 28, 2013, for all hours worked or otherwise paid, together with statutory interest on the entire amount of backpay ;
 - c. Immediately pay all IBEW bargaining unit members, employed since December 2012 and regardless if still employed, the improperly withheld \$1,000 bonus, together with statutory interest on the entire amount of backpay commencing December 8, 2012;
 - d. Maintain all existing conditions of employment throughout the bargaining and fact-finding process, including by complying with previously scheduled or promised increases in pay or benefits
 - e. Refrain from retaliating or discriminating against employees for engaging in protected activity;
 - f. Refrain from threatening or taking any actions against employees which could interfere with, restrain, or coerce employees in the exercise of their rights under PERA.
3. Post an appropriate notice, as may be directed by the Commission, to employees in a conspicuous place at each City worksite and post it prominently on any website maintained by the City for employee access for a period of thirty (30) consecutive days, and additionally deliver a copy of the notice by mail or email to each employee in the IBEW bargaining unit.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Doyle O'Connor
Administrative Law Judge
Michigan Administrative Hearing System

Dated: October 11, 2013

West Michigan site of new traffic safety program

Drivers urged to leave more space for trucks

A new enforcement and education initiative in West Michigan seeks to reduce crashes, fatalities and serious injuries involving

cars and trucks by reminding motorists to leave more space for trucks.

The Ticketing Aggressive Cars and Trucks

(TACT) program combines outreach, education and evaluation with enforcement activities for safe driving around trucks. The Grand Rapids area was selected after a review of crash data by the University of Michigan Transportation Research Institute showed high crash rates associated with aggressive behavior.

“Crashes between cars and trucks can be catastrophic, both in terms of the loss of life and loss of goods and services, no matter which vehicle driver is at fault,” said Michael L. Prince, director of the

Michigan Office of Highway Safety Planning (OHSP). “The method used in the TACT program of focusing enforcement and education efforts on car and truck drivers has been successful in other states, and we look forward to similar results in West Michigan.”

In 2012, truck-involved fatalities in Michigan increased 10 percent, from 73 in 2011 to 80. There were 9,388 truck-involved crashes in 2012, with 986 of those crashes occurring in Kent and Ottawa counties.

Officers from six West

Michigan law enforcement agencies will conduct TACT program enforcement on U.S. 131 and I-196 in Kent and Ottawa counties, Oct. 7 through Oct. 18. Officers will be on the lookout for violations by both passenger vehicle and truck drivers such as improper lane use, careless and reckless driving, speeding, following too close and failure to yield the right of way.

The participating agencies are the Michigan State Police, Kent and Ottawa county sheriff offices and Grand Rapids, Walker and Wyoming police departments. Additional TACT program enforcement will take place Nov. 4-15 and Dec. 2-13.

To help increase awareness and encourage compliance, TACT advertising will be seen on billboards and heard

on West Michigan radio stations throughout October. The messages encourage drivers to leave more space for trucks by allowing one car length for every 10 miles of speed and not tailgating.

OHSP is supporting the TACT enforcement and public information effort with funds from the Federal Motor Carrier Safety Administration (FMCSA) and Michigan Truck Safety Commission dedicated for this purpose. This is the first time this type of program has been conducted in Michigan. The FMCSA has supported similar TACT programs in several other states including Kentucky, North Carolina and Washington.

This project is part of Michigan's Strategic Highway Safety Plan signed by Gov. Rick Snyder in February.

LEGAL NOTICES

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF KENT

NOTICE TO
CREDITORS
Decedent's Estate

FILE NO. 13-194546-DE

Estate of RHETA
KATHLEEN JOHNSON,
date of birth: February
17, 1934

TO ALL CREDITORS:

NOTICE TO
CREDITORS: The
decendent, RHETA
KATHLEEN JOHNSON,
who lived at 10310
Grand River Drive SE,
Lowell, Michigan died
Feb. 15, 2013.

Creditors of the
decendent are notified
that all claims against
the estate will be
forever barred unless
presented to STEVEN
M. JOHNSON, named
personal representative
or proposed personal
representative, or to
both the probate court
at 12 Wager Pl., Ionia, MI
48846 and the named/
proposed personal
representative within 4
months after the date
of publication of this
notice.

10/9/2013

Steven M. Johnson
12 Wager Pl.
Ionia, MI 48846
616-522-9809

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF KENT

PUBLICATION OF
NOTICE OF HEARING

FILE NO. 13-194549-GA

In the matter of J T
DEAN

TO ALL INTERESTED
PERSONS including
Faye Phillips, Terence
Dean and the other
missing and unknown
children of J T DEAN
whose address(es)
is/are unknown and
whose interest in the
matter may be barred
or affected by the
following:

TAKE NOTICE: A
hearing will be held
on 11/5/2013 at 9 a.m.
at 180 Ottawa NW,
Grand Rapids, MI 49503
before Judge David
M. Murkowski, Bar no.
P35026 for the following
purpose:

on the petition of
Michele Boley for
the appointment of a
guardian for J T Dean.

10/14/2013

John D. Flynn - P27413
1275 Hawthorne Hills SE
Ada, MI 49301
616-897-6632

Michele Boley
121 Franklin SE
Grand Rapids, MI 49507
616-826-1975

LEGAL NOTICE

STATE OF INDIANA
KOSCIUSKO COUNTY

IN RE: THE MARRIAGE
OF BRIAN L. YODER,
Petitioner, and AMY
MARIE YODER,
Respondent

IN THE KOSCIUSKO
SUPERIOR COURT #1
2013 TERM
CAUSE NUMBER
43D01-1310-DR-319

SUMMONS

This summons is to
the Respondent above
named and to any other
person who may be
concerned.

You are notified that
you have been named
as a Respondent in the
Kosciusko Superior
Court #1, Kosciusko
County, Indiana, in an
action entitled In Re
the Marriage of Brian
L. Yoder, Petitioner,
and Amy Marie Yoder,
Respondent, Cause
Number 43D01-
1310-DR-319, by
the person named
above as Petitioner.

This summons
by publication is
specifically directed
to Amy Marie Yoder,
who whereabouts are
unknown.

The named Petitioner is
represented by Joseph
A. Sobek, Attorney at
Law, attorney number
30864-64, 318 South
Buffalo Street, Warsaw,
Indiana 46580.

The nature of this
proceeding is the
Petitioner's request
for the Decree of
Dissolution.

An answer or other
response in writing to
the Petition must be
answered either by
you or your attorney
on or before 30 days
after the third notice
of this petition, and if
you fail to do so, judgment
by default may be
rendered against you
for the relief demanded
by the Petitioner.
Dated Oct. 2, 2013.

Ann Torpy, Clerk
Kosciusko Superior
Court #1



At Your
Local
Library

Kent District Library programs at Englehardt Branch,
200 N. Monroe St. For additional information call 616-784-
2007.

Beyblades –

Test your skills and compete using the library's
have fun competing in equipment. For ages 6 and
KDL's Beyblade Battles! older. Wed., Oct. 23 at 6:30
Bring your own Beyblades pm.
and arenas, or train and

Awesome Autumn Adventure –

Celebrate the season fun! Please bring your own
with autumn crafts, pumpkin. Thurs., Oct. 31 at
pumpkin decorating, games 10:30 am.
and bountiful farmyard

**THEME:
HALLOWEEN**

ACROSS

1. Opposite of rappel
6. Be mistaken
9. Long, long time
13. Eagle's nest, e.g.
14. Remain
15. Like unrefined oil
16. Actor Jeremy
17. Credit card acronym
18. *Spooky
19. *It's illuminating
21. Two dots above a letter
23. Last word of "America the Beautiful"
24. Speed unit
25. Highest card in "War"
28. Calf-length skirt
30. Relating to living organisms
35. Legal prefix
37. Hyperbolic tangent
39. Around or approximately
40. Socket insert
41. Cruising
43. Bank claim
44. Chinese fruit
46. Shells, e.g.
47. "___ be surprised"
48. Unlike a mammoth, e.g.
50. Insubstantial
52. Bond, e.g.
53. *Avoided by Dracula
55. Corn site
57. *Fairy
60. *Kind of Halloween house
64. *Specter
65. Tarzan's parental role model
67. Out of the way
68. Figure out
69. ___ Appia
70. Fencing move
71. At the top
72. Moray, e.g.
73. Artiset Fernand or designer Herve

CROSSWORD

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64						65	66			67				
68						69				70				
71						72				73				



OCTOBER 9 - OCTOBER 15

- In Louisiana, two high school football referees were arrested and removed from the field, during a game, for allegedly threatening a police officer who was stationed at the event.
- In the neverending battle for the bucks "Gravity" beat "Captain Phillips" for the weekend box office take.



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DOWN

1. To finish with a ceiling
2. Vega's constellation
3. Chipping choice
4. Breath refreshers
5. Befit
6. Distinctive flair
7. *Body marker
8. Old episode
9. Acreage
10. Leader or expert
11. Prep for publication
12. Get the picture
15. Boston pro
20. Indian restaurant condiment
22. Capone's family
24. Flesh and blood
25. *In season, sing.
26. Flower part
27. Spew
29. Computer entry
31. Greasy
32. Threesomes
33. Freeze
34. *Halloween swag
36. Muslim honorific
38. Part of hemoglobin
42. Blood carrier
45. Compose
49. Sylvester, to Tweety
51. Everyone else
54. Boxer's move
56. Arise
57. 3-pointer, e.g.
58. a.k.a. the sport of kings
59. Please get back to me
60. Cure
61. Sound of a small bell
62. U2 guitarist
63. Doe in "Do-Re-Mi" song
64. Fed. property manager
66. *Around now pumpkin ones become popular

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		9		6	7			
	6		9					1
	2	8				4		
	1	3			9			
6								8
			3			7	1	
		4				1	6	
9					5		8	
			6	7		3		

Puzzle solutions on page 12

NEED TO SEND A



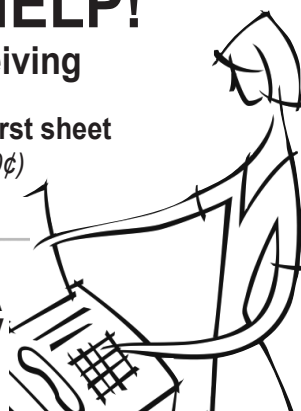
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THIS WEEK'S ONLINE POLL RESULTS

Who is most responsible for the government shutdown?

- The Republicans.....44%
- The Democrats4%
- The Tea Party22%
- John Boehner.....4%
- President Obama.....26%
- The Voters.....0%

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Fill in the blank squares in the grid, making sure that every row, column and 3-by-3 box includes all digits 1 through 9.



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