

PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
FRANKLIN VILLAGE HALL -- BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025
MONDAY FEBRUARY 10, 2003, 8:00 P.M.

I. MEETING CALLED TO ORDER

The meeting was called to order by President James Pikulas at 8:00 p.m. at the Franklin Village Hall, Franklin, Michigan

II. ROLL CALL

Present: James Pikulas, Florence Saltzman, Fred Gallasch, Ralph Sosin, Randy McElroy

Absent: Alan Harnisch (excused), Brian Coyer (excused)

In Attendance: Eileen H. Pulker, Village Clerk
Jon E. Stoppels, Village Administrator
John Staran, Village Attorney, Beier Howlett
Michael Salhaney, Village Attorney, Beier Howlett
Edward Glomb, Police Chief
Tony Averbuch, Fire Chief
Mike Barger, Mike's Tree Surgeons, Inc., Village Arborist

III. ADOPTION OF AGENDA

Motion by Sosin supported by Saltzman to approve the agenda as corrected to add Mike Barger with a report on Ash Borer and Oak Wilt under Special Reports, Item VIII.C.

Ayes: Pikulas, Saltzman, Gallasch, McElroy, Sosin

Nays: None

Absent: Harnisch, Coyer

Motion carried.

IV. MINUTES

A. Regular meeting of January 13, 2003.

Motion by Saltzman supported by Sosin to approve the minutes of the Regular Council meeting of January 13, 2003.

Ayes: Pikulas, Saltzman, Gallasch, Sosin

Abstain: McElroy

Nays: None

Absent: Harnisch, Coyer

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Police Chief, Edward Glomb, was present and reported to the Council that things had been quiet in the Village and that his yearly status report was currently being worked on. Chief Glomb also reported on the donation by Dr. & Mrs. Seymour Gordon of one (1)

heart defibrillator to the Police Department and two (2) heart defibrillators to the Fire Department. Chief Glomb reported that all officers have been trained to use the defibrillator, which is kept at the station to be taken out in the patrol cars when on runs.

Fire Chief, Tony Averbuch, reported on the two new fire trucks being built for the Village. He stated that he had the final inspection on the new fire trucks, which still need a few engine changes. The new trucks will be here in the first week of March, and they will have three defibrillators, all the same make and model. Chief Averbuch also reported on increasing agency licensure, in order to provide additional life-saving functions.

Randy McElroy, Acting Treasurer, commented that several accounts were being closed as a cost saving measure and he and Clerk Pulker were following up with the bank in regards to fees previously charged.

VI. SUBMISSION OF CURRENT BILLS

TOTALS

General Administration	\$22,014.04
Tax Funding	152.24
Building	21,586.40
General Debt	116,470.72
Insurance	23,636.56
Legal	4,871.15
Police	10,688.12
Pressure Sewer	35,325.81
Roads	11,156.80
Rd Bond Expense-2002	4,569.09
Rd Bond Expense-2001	1,244.33
Cell Tower	92.00
Rubbish	12,891.00
Trust & Agency	10,500.00
Water	1,931.00
Village Hall & Grounds	464.74
Waste Water	<u>1,029.43</u>
ALL FUNDS	\$278,623.43

Motion by Gallasch supported by Sosin to approve the bills list as presented.

Ayes: Pikulas, Saltzman, Sosin, Gallasch, McElroy

Nays: None

Absent: Harnisch, Coyer

Motion carried.

VIII. SPECIAL REPORTS:

A. Verbal Report, Jim Pikulas, Village President

President Pikulas reported on the cost reduction program, with cost savings of \$27,000 found thus far and a need of further cost savings for a total \$60,000 to prepare for the budget cuts for this fiscal year. Pikulas also reported on the good fortune of Council

Trustee Brian Coyer; he and his wife Lynn Ruhlman are the proud parents of twin girls born January 24, 2003 and conveyed the Council's congratulations to them all.

B. Special Presentation, American Heart Association

President Pikulas commented on the letter of gratitude that was written by Jennifer Pickett, Regional Program Director of the American Heart Association, as a tribute to Dr. and Mrs. Gordon. Pikulas read into the record,

"We are delighted to be able to present City representatives with a plaque honoring the recent donation of life-saving equipment to the Franklin-Bingham Fire Department and the Franklin Police Department. Three automated external defibrillators (AEDs) were donated to the above first response agencies (a donation value of nearly \$7000). Two will be placed in the fire department and one with the police. The donation was made by Marilyn and Seymour Gordon, residents of the Village of Franklin. Seymour Gordon is a retired cardiologist who now serves as an administrator of Beaumont Hospital's Heart Center in Royal Oak. Dr. Gordon has been a volunteer of the American Heart Association for nearly 30 years. In addition to serving as President of the Metropolitan Detroit Board of directors, he founded the Metro Detroit Ball. This gala event has raised hundreds of thousand of dollars over the years to fight heart disease and stroke. Marilyn and Seymour have participated in many philanthropic activities and are dedicated to saving and improving lives in their community."

Jennifer Pickett of the American Heart Association presented a plaque representing the donation of the three (3) new heart defibrillators by Dr. and Mrs. Seymour Gordon, to President James Pikulas. Pikulas directed Administrator Stoppels to prepare a proclamation for the March 2003 Council meeting.

C. Special Presentation, Mike Barger, Mike's Tree Surgeons, Inc.

Mike Barger, the Village Tree Consultant, reported on the emerald ash borer, a small beetle that feeds extremely aggressively beneath the bark of ash trees. Barger commented on the six county quarantine in Southeastern Michigan, and that ash wood cannot be taken out of this six county area. Barger advised that trees with 10% infection and even those trees that appear healthy would need treatment. He warned of non-professional tree removal and the use of fertilizer. Barger also reported briefly on the Oak Wilt problem. Barger left copies of materials with the Clerk, that may be picked up during normal business hours at the Village Hall and additional materials may be obtained from the Michigan State University Extension Service.

IX. NEW BUSINESS:

A. Consider Landfill Permit Application for the property located at 24815 West Thirteen Mile Road, Franklin.

#2003-06 Motion by Sosin supported by McElroy to approve the Landfill Permit Application for 24815 West Thirteen Mile Road, Franklin, subject to the requirements set forth in the Hubbell, Roth & Clark letter of December 23, 2002.

Ayes: Pikulas, Saltzman, Gallasch, Sosin, McElroy

Nays: None

Absent: Harnisch, Coyer

Motion carried.

**B. Consider Approval of Form of Ballot Language for Annual Election
March 10, 2003.**

**#2003-07 Motion by Sosin supported by Saltzman to approve the Form of Ballot
Language as submitted for the Annual Election March 10, 2003.**

**Ayes: Pikulas, Saltzman, Gallasch, Sosin, McElroy
Nays: None
Absent: Harnisch, Coyer
Motion carried.**

**C. Consider Approval of Election Inspectors for the Annual Election March
10, 2003.**

**#2003-08 Motion by McElroy supported by Gallasch to approve the Election
Inspectors for the Annual Election March 10, 2003 as follows: Rose Galley, Lori
Carswell, Lucy Sabbagh and Maxine Nelson.**

**Ayes: Pikulas, Saltzman, Gallasch, Sosin, McElroy
Nays: None
Absent: Harnisch, Coyer
Motion carried.**

D. Consider Scheduling Organization Meeting to be held on March 24, 2003.

**#2003-09 Motion by Saltzman supported by to approve the scheduling of the
Organization Meeting on March 24, 2003 at 7:30 p.m.**

**Ayes: Pikulas, Saltzman, Gallasch, Sosin, McElroy
Nays: None
Absent: Harnisch, Coyer
Motion carried.**

X. BIDS/CONTRACTS/PROPOSALS:

**A. Consider Michigan Telecommunications Act Permit Application for XO
Michigan, Inc.**

**B. Consider Michigan Telecommunications Act Permit Application for
Norlight Telecommunications.**

Michael Salhaney of Beier Howlett, was present and reported on the permits for XO Michigan and Norlight Telecommunications. Salhaney recommended that the Council approve the safe harbor permits for XO Michigan and Norlight Telecommunications.

**#2003-10 Motion by Sosin supported by McElroy to approve the issuance of
permits for a Safe Harbor Telecommunications Right-of-Way Permit in Compliance
with the METRO ACT as presented for Norlight Telecommunications, Inc. and
approve rescinding of present permit for XO Michigan, Inc. along with the approval
of the new permit in its stead pursuant to XO Michigan, Inc.'s request.**

Ayes: Pikulas, Saltzman, Gallasch, Sosin, McElroy

Nays: None

Absent: Harnisch, Coyer

Motion carried.

XI. PROCLAMATIONS/RESOLUTIONS/ORDINANCES:

A. Consider Michigan Department of Transportation Performance and Indemnification Resolution for Purposes of issuing to a Municipal Utility an "Individual Permit for Use of State Trunkline Right of Way".

PERFORMANCE AND INDEMNIFICATION RESOLUTION

RESOLVED WHEREAS, the Village of Franklin hereinafter referred to as the "GOVERNMENTAL BODY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on , over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT grating such PERMIT the GOVERNMENTAL BODY agrees that:

1. It will fulfill all permit requirements and will indemnify, save harmless, represent and defend the State of Michigan, Michigan Transportation Commission, and the DEPARTMENT and all officers, agents, employees and those contracting governmental bodies performing permit activities for the DEPARTMENT according to a maintenance contract:
 - a. From any and all claims and losses occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies to the GOVERNMENTAL BODY in connection with the presence of the GOVERNMENTAL BODY'S facilities and/or its installation, construction, operation, or maintenance activities which are being performed under the terms of the PERMIT on, over and/or under the state trunkline right of ways; and
 - b. From any and all claims of very kind for injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the presence of the GOVERNMENTAL BODY'S facilities and/or its installation, construction, operation, or maintenance activities which are being performed under the terms of the PERMIT on, over and/or under the state trunkline right of way, except claims resulting from the sole negligence or willful acts or omissions of said DEPARTMENT performing permit activities.
 - c. From any and all claims made by any and all persons, firms, or corporations furnishing or supplying materials, supplies, work, or services on, over, and/or under the State trunkline right of way pursuant to an agreement with the State of Michigan, the DEPARTMENT and/or the Michigan Transportation Commission, as a result of the GOVERNMENTAL BODY'S failure to move or other wise relocate its facilities in a timely manner after being requested to do so by the DEPARTMENT.
2. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and

not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.

3. The GOVERNMENTAL BODY shall take no wrongful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgement for money damages.
4. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, cooperation and/or maintenance of the GOVERNMENTAL BODY'S facilities according to a PERMIT issued by the DEPARTMENT.
5. With respect to any activities authorized by PERMIT, when the COMPANY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
6. The incorporation by the DEPARTMENT of this indemnification resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
7. This indemnification resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT, which has already been issued, or activity, which has already been undertaken.

BE IT FURTHER RESOLVED, that the following positions are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL BODY.

Name	And/or	Title
Jon E. Stoppels		Village Administrator Road Administrator
James A. Pikulas		Village President

#2003-12 Motion by McElroy supported by Saltzman to approve the "Individual Permit for Use of State Trunkline Right of Way".

Ayes: Pikulas, Saltzman, Gallasch, Sosin, McElroy
Nays: None
Absent: Harnisch, Coyer
Motion carried.

**B. Consider Resolution to Provide Compliance with Requirements of
Computerized Tax Rolls and Request for Oakland County to Apply for Use
of a Computerized Tax Roll.**

**#2003-11 Motion by McElroy supported by Saltzman to approve the Resolution to
Provide Compliance with Requirements of Computerized Tax Rolls and Request for
Oakland County to Apply for Use of a Computerized Tax Roll as presented.**

Ayes: Pikulas, Saltzman, Gallasch, Sosin, McElroy
Nays: None
Absent: Harnisch, Coyer
Motion carried.

XII. ADJOURNMENT

Motion by Gallasch supported by McElroy to adjourn the meeting.

Ayes: Pikulas, Saltzman, Gallasch, Sosin, McElroy
Nays: None
Absent: Harnisch, Coyer
Motion carried.

There being no further business, the meeting adjourned at 9:20 p.m.

Respectfully submitted,

Krista B. Bohnenstiehl
Recording Secretary

Eileen H. Pulker
Village Clerk

James A. Pikulas
Village Council President