

**PROCEEDINGS OF THE VILLAGE OF FRANKLIN
SPECIAL VILLAGE COUNCIL MEETING
THURSDAY AUGUST 18, 2005, 8:00 P.M.
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN**

I. Meeting Called to Order

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

II. Roll Call

Present: Mark Jahnke, Randy McElroy, Dominick Schiano, Fred Gallasch, Bill Lamott, Brian Coyer, Alan Harnisch

Absent: None

Also Present: Eileen Pulker, Clerk
John Staran, Village Attorney, Beier Howlett

III. Adoption of Agenda

Motion by Harnisch supported by Coyer to approve the Agenda as amended with a change in the order, switching items V. and VI.

Ayes: McElroy, Schiano, Gallasch, Lamott, Coyer, Harnisch, Jahnke

Nays: None

Motion carried.

IV. Consider Whether to Meet in Closed Session to Discuss Final Compensation Agreement with Edward Glomb, Police Chief.

#2005-82 Motion by Schiano supported by Harnisch to meet in closed session to discuss final compensation agreement with Edward Glomb, Police Chief.

Roll Call Vote:

McElroy	Aye
Schiano	Aye
Gallasch	Aye
Harnisch	Aye
Coyer	Aye
Lamott	Aye
Jahnke	Aye

Motion carried.

Closed session began at 8:04 p.m.

Jahnke announced that the session was again opened at 8:53 p.m.

V. Consider Proposed Agreement for Edward Glomb, Police Chief.

Jahnke stated that the agreement had been discussed in the closed session.

#2005-83 Motion by Schiano supported by Gallasch to approve the agreement, subject to the Changes discussed in Closed Session, and authorize John Staran to present the agreement to Edward Glomb, and have the agreement executed in substantially the same form as it will be presented by Attorney Staran.

Jahnke stated that Police Chief Ed Glomb had accepted an offer from the Wayne County Airport Authority effective August 8, 2005 and the Council, viewing Glomb as a long time employee, decided to seek agreement with Glomb on certain issues. Jahnke stated that some interpretations of the personnel policy were felt to be important to reduce to writing. Jahnke added that there were three pieces to the agreement: 1) in retirement would health insurance be provided, which it will be consistent with coverage provided to other Village employees at the time, 2) certain accrued compensated absences were looked at, and 3) the pension plan, Municipal Employee's Retirement System of Michigan, has come up with an amount that will complete the funding for Glomb's retirement fund along with his additional participation. Jahnke concluded that in addition, Glomb had provided releases that he had returned Village property and that he would seek no other claims against the Village.

Coyer commented on the agreement, stating that the Council had agreed to compensate Glomb at the level of \$33,000 to resolve issues of longevity, vacation, and retirement, which was not entirely vested (having not met the requirement of 25 years of employment). Coyer added that while there had not been a dispute over sick pay compensation owed Glomb, there was a dispute over longevity and pension costs, based on an evaluation using the Personnel Policy manual of 1999. Coyer added that the agreement additionally provides for health insurance coverage in the possible intervening time between Glomb's new job's cessation, or other lack of coverage, and the eligibility for Medicare at age 65. Coyer estimated that the net additional cost to the Village is about \$21,000, arriving from what would have been paid Glomb without any additional consideration. Coyer concluded that Glomb's contract with the Village had been that of an "at will" employee, for which the benefits could have been changed at any time by the Village, and there was no expressed agreement between the Village and Glomb for those benefits. The only agreement between Glomb and the Village would deny some of those benefits, but that this final agreement would avoid any future claims being made to the Village regarding those possible disputed items. Coyer added that the Village relied on a Personnel policy, an "at will" agreement with Glomb, relied on the Administrator to help interpret and enforce those agreements, relied on the previous President and Administrator to enforce those agreements, and relied in the past on the legal counsel to help understand the terms of employment with Glomb, all of which were not an issue before. Coyer stated that, in his judgement, this resolution, if adopted, was not warranted, having been reminded by many others (including auditors Plante Moran) that the Village will need more money in the long term. Coyer added that he thought this was bad policy, that the Village has a personnel manual and thought that the Council should try to support it rather than try to find ways to create exceptions to it. Coyer added that he wished to thank Glomb for his service to the Village and that he had been a great person in the Village but for the reasons he had given, he could not support the package.

Harnisch stated that he supported the resolution, and understood what his colleague and friend Coyer had to say, but although there may be a gray area as to what obligation the Village has to Glomb and what it doesn't, and this does provide benefits to Glomb beyond those obligations. Harnisch felt that this resolution and proposed agreement was both fair and appropriate, which he felt was important because Franklin is a small town and personal relationships do mean something. Agreeing with Coyer, Harnisch stated that Glomb had been a good servant to the Village, fulfilled his obligations, and had taken his job seriously. Harnisch added that he felt it important that the Village be fair and appropriate as Glomb walks out the door and important to him also that Glomb feel that this agreement was fair. Harnisch felt that

the Village's exposure was less than what Coyer had determined, but that it was a wise and appropriate use of Village funds.

Jeff Kopelman of 30895 Oakleaf Lane stated that he believed that the Franklin Police Department was probably the finest suburban police department of which he had ever seen or heard. Kopelman added that they had helped him and he had seen them help others many times. Kopelman added that he would put them up against anybody in the metropolitan area or anywhere else. Kopelman stated that, as in any other business, it starts at the top, adding the Glomb had done a great job and set the tone for the police department. Having said that, the idea of giving Glomb a package as he leaves is outrageous. As a Village taxpayer and as the Village has often stated at many meetings, the Village can not afford to do many of the things they are asked to do. Kopelman added that, knowing that Glomb had worked here for 23 and ½ years, which is great and for which he was paid, and knowing that he has taken another job for which he is receiving more, and having run a few businesses, and having had many employees announce that they had decided to leave his employ, some of whom he was happy to lose and some he was sorry to see leave, he treated them all the same, congratulating them and adding that that was what America was all about. Kopelman cannot understand, with no contract with Glomb, no severance agreement, and understood that Glomb was going to a job in which he is to make a lot more money, Glomb knew that if he worked here for 25 years his pension would be whole, why is he being given anything. Kopelman added that why would the Village owe him having paid him. Kopelman stated that Glomb has had health care coverage for all these years, and is not entitled to coverage post employment under any agreement, so the village should leave it to his new employer to provide insurance in retirement. Kopelman stated that he thought this agreement was outrageous, and all of the Council having run businesses or being in business, he doesn't understand how the Council could do this when the Council had been asked many times for money to do things, the answer was always no, there was no money. Kopelman stated that with all due respect, he does not feel that this makes any sense from a business point of view, and is not good for the Villagers, many of whom he had spoken to that do not agree with this, and not a good way to spend taxpayer money.

Coyer thanked Kopelman for coming and expressing his opinion. Coyer asked to share that the value of the police department, is not the issue, but if any of the resources could be used in that area, it should be.

Schiano stated that if you spoke to Glomb, as many of the Council had one-on-one and in groups, and you look over the history, the records are in black and white, and there is data that says that he might get something and he might not. Schiano added that he knew Coyer felt a certain way and there were others who felt a different way, respectfully, and if you spoke to Glomb, he would tell you that he compromised on money owed him. From a business point of view, this is not a going away present, really represents a negotiated settlement and Glomb had a position on what was owed, and was a number in excess of \$33,000, (not a black and white issue). Schiano stated that he is supporting this because he felt that there was enough on Glomb's side to come to some middle ground. It is important in a small Village where everyone knows each other to be able to settle this. Glomb is not entirely happy with this and felt as if he gave something up and the Village has given a lot up but Schiano felt that it was important to settle this amicably. To come to a solution, in a business way, in which compromises were made, and that this was a negotiated settlement and was not a matter of telling Glomb goodbye, thank you for your hard service. To not get anything and have Glomb say, I wish that the Village had treated him better. Schiano concluded that he felt the Village should be proud for handling this amicably and should be proud of themselves for handling this with Glomb, and Glomb should be proud of the way he handled himself. Schiano said he was as conservative as anyone in handling the Village's money, having been the Treasurer for two years before serving on the Council.

Harnisch stated that he seconded what Schiano had said, adding that many residents had stated an opposite opinion of paying Glomb whatever he would want, and knew that an

agreement like this would prevent any possible litigation, not that anything of the like was expected, and he had always tried to be prudent in guarding the Village's money as much as his own, and felt that the agreement was both appropriate and fair.

Kopelman noted that he did not have access to all of the data and understands that what he had heard originally was different from the information he had heard at this meeting, and now he had heard references to the Personnel Manual and other facts.

Jahnke responded that those documents referred to in the discussion were public record, his own background as a CPA and CFO, and in support of what Harnisch had said, adding that he agreed that this agreement was in the best interest of the Village. Jahnke noted that the entire Council in looking at this, the pluses and minuses, who are not all wired the same, look at this differently, which is what the Council always tries to do, that is balance seven different points of view. Jahnke concluded that with Glomb at age Fifty-eight (58) now, twenty-three years ago he was in his thirties and while we believe the Village is sophisticated now, we certainly are much more so now than all those years ago. When Glomb was hired there was no personnel policy, and Glomb felt that he was entitled to things and different people agreed with parts and disagreed with other parts. While the Council can see Kopelman's point, from the Council's side of the table there is more to it, while not sinister or hidden and all public record. Glomb has dealt with four or five Council Presidents and approximately one-hundred (100) Council members over the years, (and in the past few years when the Village has hired managers), the Council did enact employment agreements, but did not for Glomb. However, the new Police Chief will have an employment agreement. Jahnke added that everyone on the Council has dealings in the private sector, but this is public sector which is a different world.

Coyer, in response to Kopelman, stated that as probably the most senior member of the Council (having served for ten (10) years), he has the most experience and having had the opportunity to make this kind of judgement, and it essentially comes down to a difference in judgement, and once this decision is made the Council will move forward, knowing that Coyer's own position probably will not be tested.

Roll Call Vote:

McElroy – Aye

Schiano – Aye

Gallasch – Aye

Coyer – Nay

Harnisch – Aye

Lamott – Aye

Jahnke – Aye

Motion carried.

VI. Consider Process by Which to Choose a New Police Chief

Jahnke, noting that Administrator Stoppels was not feeling well and therefore absent from the meeting, stated that he wanted to discuss where the Village has been in this process and where the Village is headed. Jahnke said that upon hearing of the resignation from the Glomb three or four weeks ago, first moved to appoint Bill Castro as the Interim Chief, noting that the Village was lucky to have Castro (who has filled in for Glomb whenever he was out of town). Jahnke stated that according to the Village of Franklin Charter, the appointment of the Village Marshall or Police Chief is an appointment by the President of Council, ratified by the full Council, and that this will be an open and inclusive process by which the Council searches for a Chief of Police. Jahnke stated that he had spoken to a number of people in the search firm business, had spoken to people in

other communities that have recently hired Police Chiefs, and Police Chiefs, City Managers, people who serve on Councils. Stoppels at Council's direction, had solicited proposals from different organizations, having heard back from Michigan Municipal League and The Par Group in writing. Following the outline provided in both proposals, Jahnke stated that the Council should look at search facilitators, and decide right up front to take a look and decide on what kind of help the Council is looking to get. Two primary things that need to be done first are,

- 1) Develop a candidate profile, a job description of the position we are about to fill, including the minimum education requirements would be, as well as the day to day, week to week, month to month duties of that individual. Essential to obtain an employment agreement up front.
- 2) Important for the search facilitator and the Council to define what the community is so that that can be communicated to potential candidates, which is more complicated than it looks, the Village of Franklin, Village of Bingham Farms and the special assessment district in Bingham Farms consisting of the commercial district.

Jahnke opined that those profiles, the candidate profile and the community profile, based on other communities and their experiences, develop with the full Council and the Bingham Farms Council, in possibly a joint meeting or which could be assigned to the Administrator or the search facilitator. Jahnke added that we do have a job description for the Police Chief dated 1999, which would be a starting point, wording in the Village Charter and wording in the Village Administrator Ordinance. The next step would be that the search facilitator would help the Council develop an advertisement which would be published in the Michigan Municipal League magazine and the Michigan Association of Chiefs of Police Magazine, and their respective web sites, and other professional publications. Providing approximately one month for accepting résumés, that portion of the process would be closed, the facilitator would whittle down those who had applied based on the profiles provided to them, the remaining candidates would be interviewed by the facilitator. Once the list of candidates is down to around five (5) names, then an oral Board of Review would be created. This Board of Review would typically consist of other Chiefs of Police, another City Manager, a professional from within the law enforcement community, a total of three or four people who would interview those candidates one at a time, who would then make a recommendation to the full Village Council. Then the full Council may interview the final candidates, or a smaller number of Council members, including the President, might work better. Jahnke suggested that if someone is comfortable and familiar with the Michigan Municipal League proposal, which could be looked at, being the most logical one. Between now and the September 12, 2005 Council meeting, each member of Council could relay to Stoppels if there are any other search firm names that proposals could be sought from. By September 12, 2005 the staff would be in a position to recommend a search firm and get going. Meanwhile, work could begin on the profiles, and an advertisement could be developed. The Michigan Municipal League staff is very helpful, and has been used by the Village before. Having just completed a successful run for twenty-three years with one individual, Jahnke hoped to be able to make that happen again. Plante Moran, having worked with so many communities around the state, would be a valuable resource (although they no longer provide search services).

Schiano asked if applicants needed to apply for the job in order to be considered or would the search firm encourage the best candidates to apply. Jahnke replied that it is already very well known that this position is now open, and Franklin is viewed as a very fair minded community. While he can't say that this is a plum assignment in the world of law enforcement, he believes it is. Jahnke opined that we would get no shortage of action.

Gallasch stated that he would like to see community involvement, to allow the new chief to understand how the community is involved and connected. Gallasch noted that the Council should ask for input from the current police officers, understanding that this would be the Council's decision. Jahnke stated that the profiles of the community and the position would be developed in public meetings, at which the public would be present and their input would be welcome. Jahnke added that Stoppels and Pulker could gather input from the police officers, reserve officers, and police employees and supply that to Council. Jahnke added that Marie McKenna at the Michigan Municipal League would be able to answer any of these questions either before or at the September 12, 2005 Council meeting.

Coyer thanked Jahnke for his initiative and the information gathered on the solicitation of search activity, and appreciates his interest and expertise in this. Coyer appreciated Gallasch's remarks that this be an open process and to obtain as much input as possible from a large number of people. This situation, though thrust upon us somewhat unexpectedly, gives us an opportunity to examine the effectiveness and efficiency of our police department (as high as it is) and find if we have resources within that mix to improve it, possibly add officers and maybe look at what way we deliver it administratively. Coyer opined that we were ahead of ourselves in terms of looking for search teams, which he felt should be kept in mind, in terms of a candidate profile, what is a police chief, what is a police chief's responsibility, to whom does he report, how many subordinates they have and how the department is to be run in a limited sense. All of which gives rise to question of possibility of long term savings, yet not to reduce the effectiveness. Coyer suggested an advisory committee, of which Jahnke would be a member, (as President because the President appoints the Marshall subject to the ratification of the entire Council), and take into account other expertise that is on Council in that direction, work cooperatively to initially come up with a limited assessment of whether there are alternatives at this juncture. And then proceed with the steps that Jahnke has proposed. The reason Coyer says this is he wants to make it clear that the Council needs to do that and he had communicated that to Jahnke and the rest of the Council prior to the meeting, in the form of a resolution. Jahnke replied that that had been four hours ago. Coyer added that his intent is to move the resolution as provided to Council and the Clerk.

#2005-81 Motion by Coyer supported by Harnisch to resolve as follows:

RESOLUTION

VILLAGE OF FRANKLIN

GIVEN THE RESIGNATION OF THE FORMER POLICE CHIEF ON AUGUST 8, 2005, THE APPOINTMENT OF A TEMPORARY CHIEF OF POLICE, AND THE CHARTER'S DUTY FOR COUNCIL TO GOVERN AND TO PROVIDE POLICE SERVICES AND PUBLIC SAFETY TO FRANKLIN VILLAGE IN THE MOST EFFECTIVE AND EFFICIENT MANNER POSSIBLE AND FOR THE PRESIDENT TO APPOINT A MARSHALL, IT IS RESOLVED THAT THE VILLAGE COUNCIL ESTABLISH AN ADVISORY COMMITTEE ("COMMITTEE" OR ADVISORY COMMITTEE") TO

- 1. CONDUCT A LIMITED REVIEW OF FRANKLIN VILLAGE POLICE AND PUBLIC SAFETY OPERATIONS TO DETERMINE WHETHER THE VILLAGE'S CURRENT ORGANIZATIONAL MODEL , OR ANOTHER SIMILAR MODEL, WILL PROVIDE A MORE EFFICIENT AND EFFECTIVE POLICE DEPARTMENT AND PROTECT VILLAGE RESIDENTS;**
- 2. REPORT TO COUNCIL ON ITS FINDINGS AND RECOMMENDATIONS ON HOW TO IMPLEMENT CHANGES IN POLICE AND PUBLIC SAFETY OPERATIONS, IF ANY, AT THE OCTOBER 2005 MEETING OF COUNCIL.**
- 3. THE COMMITTEE SHALL HAVE FULL ACCESS TO ALL VILLAGE RECORDS CONCERNING POLICE AND PUBLIC SAFETY OPERATIONS, VILLAGE LEGAL COUNSEL, VILLAGE STAFF, CURRENT POLICE STAFF, AND MAY CONSIDER ENGAGING A CONSULTANT IN POLICE AND PUBLIC SAFETY ADMINISTRATIONS AND OPERATIONS, COUNCIL AUTHORIZING UP TO \$5000 FOR SUCH INITIAL EXPENSES.**
- 4. THE POLICE AND PUBLIC SAFETY ADVISORY COMMITTEE SHALL CONSIST OF MARK JAHNKE, DOMINICK SCHIANO, AND BRIAN COYER AND MAY CHOOSE A CHAIR FROM ITS MEMBERS, UNLESS OTHERWISE DIRECTED BY COUNCIL.**

Coyer stated that he wished to emphasize the positive, and that here is an opportunity to take a look at what the Village uses for Police Services. Coyer added that the Council should take a look at the compensation that the Chief was previously receiving, take a look at the duties of Police Chief, the possibility of reducing the number of subordinates, consider redefining the position, consider sharing duties with the position previously known as police chief and village administrator, all of which could come up with substantial savings, having been reminded by Plante Moran and others that we have an unfunded obligations of retirement health care. Under no circumstances should this review take the position that somehow we want to create a weaker force. In fact we may want to create a stronger force, or we may keep it the same. Coyer opined that the expertise on Council should be utilized, Jahnke clearly having that, and he would

look forward to working with him on this committee should he be chosen to serve on the committee. *Coyer added that his own experience in an academic was involved in a company called, ~~Accountability in Large Scale Organizations~~, International Studies Association group, on accountability in large scale organizations, with his own studies in the area of Police Administration. Schiano has also distinguished himself in his short time on Council, with the settlement arrangement just reached. Coyer added that Gallasch made an excellent point in consulting with the police officers and the mobile watch. McElroy asked if the MML and Par proposals would still be viable after the time was taken to fully explore this. To which Coyer responded yes, and further that when asked Coyer stated that it would never be his intention to employ Oakland County Sheriff Department as police protection for the Village. Schiano asked that a timetable be instituted to continue to proceed, to which Coyer responded that certainly by the October meeting a report could be presented. Lamott added that in his experience (while in the private sector) when someone left a position, the first question asked was how can we get along without them, by restructuring or reorganizing while most times someone was hired for the position, the solutions were explored.

Jahnke added that he had not had time to look at this when presented with it while at work the same day, with other priorities. Jahnke questioned the definition of public safety, we all recognize that we have a terrific volunteer Fire Department, that is independently managed by the Fire Commission, a long standing joint agreement with the Village of Bingham Farms, and as part of that the SAD or commercial district that has been managed by Chief Glomb and his officers successfully for many years. Jahnke stated that he agreed with Lamott in that when something like this happens you look at it, but as many who have been around for several years, have had that opportunity, if there was something about that arrangement that we thought could be improved upon, we shouldn't need to wait for an opportunity. Jahnke added that the special arrangements with the Fire Department and with the Village of Bingham Farms, are a good model that might be improved upon. But in the short term we need to look at replacing the position. The limited review could be the first time of a bigger review.

* comments corrected at the 9/12/05 Village Council meeting.

Roll Call Vote:

McElroy – Aye

Schiano – Aye

Gallasch – Nay

Harnisch – Aye

Coyer – Aye

Lamott – Aye

Jahnke – Nay

Motion carried.

**VII. Consider Whether to Meet in Closed Session to Discuss Union Negotiation
with the Police Officer's Association of Michigan**

#2005-85 Motion by Gallasch supported by McElroy to meet in closed session to discuss Union Negotiations with the Police Officer's Association of Michigan.

Roll Call Vote:

McElroy – Aye

Schiano – Aye

Gallasch – Aye

Harnisch – Aye

Coyer – Aye

Lamott – Aye

Jahnke – Aye

Motion carried.

Closed session began at 10:00 p.m.

The meeting was again opened at 10:55 p.m.

VIII. ADJOURNMENT

Motion by Gallasch supported by Schiano to adjourn the meeting.

Ayes: McElroy, Schiano, Gallasch, Harnisch, Coyer, Lamott, Jahnke

Nays: None

Motion carried.

There being no further business, the meeting adjourned at 10:55 p.m.

Respectfully submitted,

Eileen H. Pulker, Clerk

Mark W. Jahnke, President