

**PROCEEDINGS OF THE VILLAGE OF FRANKLIN
REGULAR VILLAGE COUNCIL MEETING
MONDAY, DECEMBER 12, 2005, 8:00 P.M.
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN**

I. CALL TO ORDER

The meeting was called to order by President Jahnke at 8:02 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Motion by Schiano supported by Lamott to excuse Coyer in his absence from the meeting.

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

Nays: None

Absent: Coyer

Motion carried.

Present: Fred Gallasch, Alan Harnisch, Bill Lamott, Randy McElroy, Dominick Schiano, Mark W. Jahnke, Brian Coyer (arrived 9:07 p.m.)

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Bill Castro, Interim Police Chief
Tony Averbuch, Fire Chief
Tom Morrow, Treasurer
John Staran, Village Attorney, Hafeli Staran Hallahan Christ & Dudek, P.C.

III. ADOPTION OF AGENDA

Harnisch requested that one item be added to the Agenda as item VIII. F., Reports, Police Negotiating Committee.

Motion by Harnisch supported by McElroy to approve the Agenda as amended to include Item VIII. F. Police Negotiation Report.

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

Nays: None

Absent: Coyer

Motion carried.

IV. MINUTES

A. Regular Meeting of November 14, 2005

Motion by Gallasch supported by McElroy to approve the minutes of the Regular Village Council meeting of November 14, 2005 as submitted.

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

Nays: None

Absent: Coyer

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Interim Police Chief Bill Castro referred Council to his written report, noting that it had been a quiet month in the Village. Castro noted that in an incident reported at the last meeting, in which a watch had been reported stolen, had in fact been misplaced and that the owner had

reported the incident resolved. Castro noted an incident in one of the commercial buildings Bingham Farms, adding that the alarm company had not immediately notified the Police Department, for which an investigation is being conducted by the alarm company to prevent that occurrence in the future. Castro reported that while Franklin has not had incidences in the past month, many surrounding communities have reported larcenies from vehicles. Castro reported that there had been a homicide earlier in the month in Farmington Hills close to Franklin (at 14 Mile and Haggerty Roads) for which an investigation continues adding that the belief is that it is drug related. Castro also reported on several bank robberies in the surrounding communities and, as a result, he has asked the officers to spend a good deal of their time near the banks and other commercial buildings. The speed warning sign on Franklin Road was discussed and it was remarked that the sunlight can obscure the speed display. When asked about snow plowing and the many recent snowfalls in the Village, Castro replied that the roads had been cleared adequately. Stoppels was praised for his attention and diligence throughout the six (6) storms having passed through this November/December already this winter.

Fire Chief Tony Averbuch referred the Council to his written report and stated that the new Fire Apparatus was due to arrive on Thursday, December 15, 2005. Averbuch added that there was to be an open house on January 11, 2006 to dedicate the Building Addition and the acquisition of Pumper/Tanker #6.

Treasurer Tom Morrow referred Council to his written report, noting that the Audit for the Fiscal Year 2004-2005 was to be discussed later in the meeting, and he would reserve his comments regarding the audit for that section of the Agenda. Morrow continued adding that the bills list report this month totaled \$145,445.55, the expenditures were consistent with the approved '05-'06 budget, and that the Village has sufficient funds to meet its current and anticipated obligations. Morrow described the options for the payment of the various sewer bonds held by the Village, noting that the more than \$2,000,000 balance remains in the Pressure Sewer Fund. Morrow opined that the money should be used in one of several scenarios he discussed, in order to pay the bonds off and if possible, smooth the millage requirements for the debt service. Morrow stated that work continued on the five (5) year budget planning, adding that decisions on the pressure sewer bonds and the funding of the retiree health care benefits. Morrow concluded by stating that he felt that now was a critical time for the financial health of the Village with the two major liabilities of the under funded pension and the retiree medical insurance expense, needing to be addressed by the Village. Discussion ensued regarding the possible sewer bond scenarios, and the retiree medical expense; recommendations for which will be discussed by the Finance Committee and presented to the Village Council in the near future.

VI. SUBMISSION OF CURRENT BILLS

Motion by McElroy supported by Schiano to approve the bills list as presented.

General Administration	\$	42,415.03
Building	\$	19,177.95
Insurance	\$	24,715.78
Legal	\$	4,246.75
Police	\$	11,211.08
Pressure Sewer	\$	1,200.00
Major Roads	\$	5,902.74
Local Roads	\$	9,657.06
Rubbish	\$	13,671.90
Trust & Agency	\$	13,100.00
Waste Water	\$	147.26
	\$	145,445.55

Jahnke asked if the total indicated for Keller Thoma was accurate, to which Stoppels replied that that was only the current month total, and that the year to date total would be provided to the Council.

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

Nays: None

Absent: Coyer

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Chuck Moss, Oakland County Commissioner, District 20, advised the Council that he was running for Shelly Taub's seat in the State Legislature and noted that he was at the meeting this evening to familiarize himself with Franklin and those issues currently before the Village. Moss commented that many communities have not yet addressed the retiree health care issue, and was pleased that Franklin was being proactive and exploring their options currently.

VIII. SPECIAL REPORTS

A. Audit Report, Les Pulver – Plante Moran

Mr. Pulver began his report by stating that he was giving his unqualified opinion on the financial report and that the report is complete, accurate and done within basic accounting *privileges procedures. Pulver read through the documents provided with the audit, and briefly reviewed the content of the audit answering questions of the Council as he progressed through the document and the accompanying charts his firm had provided (copies of all of the documents and the audit are available in the Clerk's office).

B. President's Report, Mark Jahnke, Village President

Jahnke stated several items to be followed up on:

1. Finance Committee to work with Treasurer Morrow on a multi-year budget
2. Gabriel Roeder & Smith, Actuarial Report – that the Council should meet with them as a group
3. Personnel and Finance Committees – to explore full time or part time for the finance clerk position
4. Review accounting system
5. Personnel Committee
 - a. look at police chief employment agreement - a draft of which to be reviewed at the January Council meeting.
 - b. review sick and vacation time reconciliations
 - c. Finance Clerk – again to look at position, whether or not to continue with full time or part time.

C. Council Report

1. Log Cabin Report, Bill Lamott, Council Trustee

Trustee Brian Coyer arrived.

Lamott reported that the old Log Cabin currently located in Bloomfield Township needed be relocated, due to a developer's plan for the property on which it has always been situated. Lamott stated that more recent developments and indications by Bloomfield Township indicate that the Township may very well come up with a plan to save the structure and move it to a safe location. Norm Dickinson, of Bloomfield Twp spoke in support of the resolution, noting that the Township Supervisor had expressed an interest in keeping the log cabin in the Township, although funding and a permanent location have not yet been identified.

**corrected at 01-09-06 Village Council Meeting*

#2005-140 Motion by Lamott supported by Harnisch to Resolve as follows:
Whereas a log cabin was built on Lone Pine Road by William Craig 1839.
Whereas the cabin represents the type of housing that settlers in Franklin were likely to have occupied,
Whereas the current owner of the cabin wants to build another building on the site where the cabin is located,
Whereas the log cabin could otherwise be destroyed or relocated was from the area,
Whereas the Franklin Village Council believes that preserving that cabin is important,
Whereas the Franklin Village Council is interested in exploring the feasibility of a public/private organization to preserve the building.

Now be it resolved that:

The Franklin Village Council appoints a Special Advisory Committee to make recommendations regarding:

- 1. The feasibility of moving the cabin to public lands in Franklin**
- 2. The potential uses of the cabin**
- 3. Ownership and maintenance responsibilities**
- 4. The costs and methods of paying for moving, restoring and on-going expenses associated with the cabin.**

The Special Advisory Committee will include representatives from

- 1. Village Council**
- 2. Planning Commission**
- 3. Historic District Commission**
- 4. Franklin Community Association**
- 5. Franklin Arts Council**
- 6. Historic Society**
- 7. Public at Large**

The special Advisory Committee will report its finding to Council no later than February 2006.

Harnisch requested that the motion be amended to include that the committee be formed with these seven (7) members including the public, that the committee report its findings to the Council no later than February 2006, and that Bill Lamott be the Village Council Representative and Chairman of the Committee and that he should select the other six members of the committee as described in the resolution; accepted by Lamott.

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

Nays: ~~None~~ Jahnke

Motion carried.

D. Finance Committee Report

Morrow stated that the Finance Committee had already commented on the Audit and Treasurer's Report, noting that work continues on the five year budget plan for the Village, and the many other subjects currently being reviewed; i.e. the bond funding, retiree health care and actuarial study, and the finance clerk position.

Jahnke commented on several changes in the audit figures from the initial draft copy distributed to the final copy presented to the Council, noting that the entire Council should have been apprised of any and all changes. Schiano responded that many of the **corrected at 01-09-06 Village Council Meeting*

changes made to the financial statements had been corrections and in response to further clarifications obtained by the auditors from the finance committee, noting that an amended copy of the audit with those corrections had not been provided for distribution prior to the final copy recently received. Jahnke opined that if the changes made by Plante Moran were immaterial as Plante Moran had indicated, and if additional charges were to be made, then the original numbers should have remained and the audit should have been accepted as presented originally. Schiano opined that the changes were not immaterial and factually inaccurate and that, as closely as the Village Council monitors the budget, he felt that those corrections were necessary and should have been part of the audit process, not additionally charged. Further discussion ensued regarding the role of the Finance Committee and those who serve on it.

E. Police and Public Safety Committee

Coyer stated that this committee had been formed to review the current operations at the Police Department and to search for a police chief. Coyer further commented that MERCER had been hired to conduct the review of the department and that MML had been hired to conduct the Police Chief search. Coyer added that the committee members were President Jahnke, Trustee Schiano and himself. Discussion ensued regarding progress made thus far, and that the two tasks were both progressing and working simultaneously as intended, with applications having been forwarded to Bob Hamilton of MML and that Steve Egan of MERCER had already conducted interviews in the Village and was due back for further work in another week. Further discussion involved the procedure for the development of interview questions and the possible members of the Oral Review Board.

#2005-141 Motion by Coyer supported by McElroy to resolve to clarify what the committee (Police and Public Safety Committee) and that the committee be delegated to review the questions to be asked of candidates, to review the extent to which the MERCER report is integrated into the contract for the Police Chief and to assist with general questions, the standardized list.

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

Nays: None

Motion carried.

F. Police Negotiating

Harnisch stated that he was pleased to report that the agreement between the Village and the Police Officer's Association had been approved by the Council and the Police.

Harnisch further stated that a formal contract document had been reviewed and is now ready for review and execution by the Village President and the Police Officers, which should be completed by the December 31, 2005 expiration date of the contract.

IX. NEW BUSINESS

A. Consider the Proposed Program Year (PY) 2006 CDBG projects changes for the Village of Franklin.

Stoppels explained that Oakland County had provided additional clarification for the requirements for the minimum funding to be applied to administrative uses for the Community Development Block Grant monies, and that the allocations for the FY 2006 monies needed to be changed as follows:

#2005-142

Administration	\$1,600	Administering Funds
Birmingham Youth Assistance	\$2,100	Skill Building Camp
Birmingham Senior Center	\$1,500	Newsletter
Birmingham Senior Center	\$2,800	Purchase of Utility Carts/Floor Lamps

Motion by Lamott supported by McElroy to approve the allocations of the annual \$8,000 Community Block Grant Funds as stated above.

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

Nays: None

Motion carried.

B. Consider application to Demolish Structures at: 30477 Oakleaf, Franklin.

The applicants, James & Jacqueline Jenkins, and their daughter Nieco Jenkins were present to answer the questions and concerns of the Council. Mr. Jenkins indicated that because of frost already present, he would expect to begin the demolition in the spring.

#2005-143 Motion by Schiano supported by Gallasch to approve the application for demolition, to be effective March 1, 2006, having been reviewed and found to not be historically significant by the Historic District Commission, and with the usual bond and requirements of the building official.

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

Nays: None

Motion carried.

C. Consider Meeting Calendar Dates for Village Council and Commissions for January 2006 through December 2006.

#2005-144 Motion by McElroy supported by Gallasch to approve the Meeting Calendar Dates as presented (attachment #1) for Village Council and Commissions for January 2006 through December 2006.

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

Nays: None

Motion carried.

X. PROCLAMATIONS/RESOLUTIONS/ORDINANCES

A. Consider Resolution to Adopt Social Security Number Privacy Policy.

Staran explained that new Federal regulations necessitate the need to implement the proposed policy wherein social security numbers would not be made available on any forms provided at the Village and needs to be published and provided to each of the Village employees. Staran added that for general administration, there would not be a need to request or keep on record the social security numbers of anyone.

#2005-145 Motion by Schiano supported by Gallasch to adopt the Social Security Policy as provided (attachment #2) and that the policy be included in the Personnel Policy Manual of the Village.

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

Nays: None
Motion carried.

XI. ADJOURNMENT

Motion by Lamott supported by McElroy to adjourn.

Ayes: Coyer, Gallasch, Harnisch, Lamott, McElroy, Schiano, Jahnke
Nays: None
Motion carried.

There being no further business, the meeting adjourned at 10:11 p.m.

Respectfully submitted,

Eileen H. Pulker, Clerk

Mark W. Jahnke, President

Attachment #1

VILLAGE COUNCIL

Second Monday of Each Month, Except As Noted – 8:00 p. m.
Held at the Franklin Village Office, 32325 Franklin Road, Franklin, Michigan

January 09, 2006	July 10, 2006
February 13, 2006	August 14, 2006
March 13, 2006	September 11 2006
April 10, 2006	October 09, 2006
May 08, 2006	November 13, 2006
June 12, 2006	December 11, 2006

WASTE WATER MANAGEMENT BOARD

Same Schedule As Village Council – 7:45 p. m.

PLANNING COMMISSION

Third Wednesday of Each Month – 7:30 p. m.
Franklin Village Office, 32325 Franklin Road, Franklin, Michigan

January 18, 2006	July 19, 2006
February 15, 2006	August 16, 2006
March 15, 2006	September 20, 2006
April 19, 2006	October 18, 2006
May 17, 2006	November 15, 2006
June 21, 2006	December 13, 2006

HISTORIC DISTRICT COMMISSION

First Monday of Each Month – 7:30 p. m. Unless Otherwise Noted
Franklin Village Office, 32325 Franklin Road, Franklin, Michigan

January 04, 2006 (Wed)	(Wed.) July 05, 2006
February 06, 2006	August 07, 2006
March 06, 2006	(Wed.) September 06, 2006
April 03, 2006	(Wed.) October 04, 2006
May 01, 2006	November 06, 2006
June 05, 2006	December 04, 2006

ZONING BOARD OF APPEALS

Third Thursday of Each Month (**ONLY IF NEEDED**) – 7:30 p.m.
Franklin Village Office, 32325 Franklin Road, Franklin, Michigan

January 19, 2006	July 20, 2006
February 16, 2006	August 17, 2006
March 16, 2006	September 21 2006
April 20, 2006	October 19, 2006
May 18, 2006	November 16, 2006
June 15, 2006	December 14, 2006

Attachment #2

**SOCIAL SECURITY NUMBER
PRIVACY POLICY**

VILLAGE OF FRANKLIN
OAKLAND COUNTY, MICHIGAN

1. Purpose.

The Village of Franklin (the “Village”) is required by the Michigan Social Security Number Privacy Act, Public Act 454 of 2004, MCL 445.81 *et seq.*, (the “Act”) to create a privacy policy concerning the Social Security numbers the Village possesses or obtains.

Pursuant to the Act, the privacy policy must at least:

- a. Ensure to the extent practicable the confidentiality of Social Security numbers.
- b. Prohibit unlawful disclosure of Social Security numbers.
- c. Limit who has access to information or documents that contain Social Security numbers.
- d. Describe how to properly dispose of documents that contain Social Security numbers.

- e. Establish penalties for violation of the privacy policy.

This Privacy Policy sets forth the Village's policy and procedure regarding how Social Security numbers should be obtained, stored, transferred, used, disclosed and disposed.

2. Policy.

It is the Village's policy to protect the confidentiality of Social Security numbers obtained in the ordinary course of the Village's business from employees, vendors, contractors, customers or others. No person shall knowingly obtain, store, transfer, use, disclose, or dispose of a Social Security number that the Village obtains or possesses except in accordance with the Act and this Privacy Policy.

3. Procedure.

A. Obtaining Social Security Numbers. Social Security numbers shall be collected only where required by federal or state law or as otherwise permitted by federal and state law for legitimate reasons consistent with this Privacy Policy.

Legitimate reasons for collecting a Social Security number include, but are not limited to:

- Job applicants may be required to provide a Social Security number for purposes of a pre-employment background check.
- Copies of Social Security cards may be obtained for purposes of verifying a job applicant's eligibility for employment.
- Social Security numbers may be obtained from employees for tax reporting purposes, for new hire reporting or for purposes of enrollment in any Village employee benefit plans.
- Social Security numbers may be obtained from contractors, creditors or vendors for tax reporting purposes.

B. Public Display. No more than four sequential digits of a Social Security number shall be placed on identification cards, badges, time cards, employee rosters, bulletin boards, permits, licenses or any other materials, documents or records designed for public display. Documents, materials, records or computer screens that display all or more than four sequential digits of a Social Security number shall be kept out of public view at all times.

C. Account Numbers. No more than four sequential digits of a Social Security number shall be used as a primary account number for an individual.

D. Computer Transmission. No more than four sequential digits of a Social Security number shall be used or transmitted on the Internet or on a computer system or network unless the connection is secure or the transmission is encrypted.

E. Mailed, Emailed or Facsimile Documents. Village documents and records containing all or more than four sequential digits of a Social Security number shall be mailed, emailed or fax'd only in cases where state or federal law, rule, regulation, or court order or rule authorizes, permits or requires that a Social Security number appear in the document or record. Documents or records containing all or more than four sequential digits of a Social Security number, that are sent through the mail, shall not reveal the number through the envelope window or otherwise be visible from outside the envelope or package.

F. Freedom of Information Act. Where all or more than four sequential digits of a Social Security number are contained within a document or record subject to release or disclosure under the Freedom of Information Act, the Social Security number shall be redacted or otherwise rendered illegible and incapable of reconstruction before the document, record or copy of same is disclosed.

G. Storage. All documents or records containing Social Security numbers shall be stored in a secure manner. Social Security numbers shall not be stored in containers, files or on computers or other electronic devices or media that are not secured against unauthorized access.

H. Access to Social Security Numbers. Only personnel who have legitimate business reasons to know will have access to records containing Social Security numbers. The Village Administrator shall determine which personnel have a legitimate reason in the Village's ordinary course of business to have access to Social Security numbers. Personnel using records containing Social Security numbers must take appropriate steps to secure such records when not in immediate use.

I. Disposal. Documents and records containing Social Security numbers will be retained in accordance with the requirements of state and federal laws. At such time as documents or records containing Social Security numbers may be disposed of, such disposal shall be accomplished in a manner that protects the confidentiality of the Social Security numbers, such as shredding, burning, pulverization or other means so that Social Security numbers cannot be read or reconstructed.

J. Unauthorized Use or Disclosure of Social Security Numbers. The Village shall undertake reasonable measures to enforce this Privacy Policy and to correct and prevent the reoccurrence of any known violations. Any personnel who knowingly obtains, uses or discloses Social Security numbers for unlawful purposes or contrary to the requirements of this Privacy Policy shall be subject to discipline up to and including discharge. Additionally, certain violations of the Act carry criminal and/or civil penalties or sanctions. The Village shall cooperate with appropriate law enforcement or administrative agencies in the apprehension and prosecution of any person who

knowingly obtains, uses or discloses Social Security numbers through the Village for unlawful purposes.