

**PROCEEDINGS OF VILLAGE OF FRANKLIN
VILLAGE COUNCIL REGULAR MEETING
MONDAY, SEPTEMBER 14, 2009, 8:00 PM
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025**

I. CALL TO ORDER

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

II. ROLL CALL

Present: Brian Coyer, Fred Gallasch, Alan Harnisch, Mark Jahnke, Bill Lamott, Amie Saltzman, Dominick Schiano

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Thomas A. Morrow, Treasurer
Patrick Browne, Police Chief
Tony Averbuch, Fire Chief
John Staran, Hafeli Staran Hallahan & Christ, P.C., Village Attorney

III. ADOPTION OF AGENDA

Motion by Harnisch supported by Coyer to approve the Agenda as revised.

Gallasch noted a typographical error in the numbering scheme for Agenda Item VIII - New Business.

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

Nays: None

Motion carried.

IV. MINUTES

A. August 10, 2009 Regular Village Council Meeting.

Motion by Coyer supported by Schiano to approve the minutes of the August 10, 2009 Regular Village Council Meeting as submitted.

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

Nays: None

Motion carried.

B. September 3, 2009 Special Village Council and Planning Commission Meeting.

Motion by Saltzman supported by Lamott to approve the minutes of the September 3, 2009 Special Village Council and Planning Commission Meeting as submitted.

Schiano commented that the meeting was well attended, useful, and many ideas/viewpoints were put forth for consideration.

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

Abstain: Coyer

Nays: None

Motion carried.

V. REPORTS OF VILLAGE OFFICERS AND AGENTS

Patrick Browne, Police Chief, updated Council as to recent police activity in the Village, requested residents to lock vehicles and either remove items or place them out of sight, noted that an advisory message regarding how to protect against a larceny from vehicle attempt has been sent, suggested putting such information in the Quorum and website, and noted that Nixle also has a Twitter component. Continuing, he advised as to a recent burglary incident for which the Department is requesting

information for potential leads and upcoming training opportunities for the officers in the coming months. Discussion ensued regarding the Nixle program and communication of information with it being noted that community members can register for the program online with Nixle, information has been sent to mobile watch members and property managers and will be posted on the website and in future newsletters, this is the same program utilized by the school district, e-mail addresses are kept private, and is not the vehicle utilized to transmit Amber Alerts.

Tony Averbuch, Fire Chief, advised as to recent Labor Day activities, apparatus testing, a hazardous waste spill in a ditch in Bingham Farms which is designated as a waterway by the State of Michigan, and noted the Department has forwarded to Staran its proposed policy for cost recovery and is working with Administration to ensure its conservative response costs for this incident are recovered to the fullest extent possible. Continuing, he noted that the Department has received a grant from Fireman's Fund Insurance Company through the Oswald Group with a check presentation ceremony scheduled for Thursday, presented a plaque to Coyer on behalf of the Fire Department/Fire Commission, and thanked him for his contributions to the Department over the years, most recently as the Fire Commission Council Liaison. Coyer noted that it has been an honor and privilege to work with the fire fighters; he is humbled by the wonderful work they do, the skill with which it is done, the technological demands, and thanked Averbuch for the plaque.

Thomas Morrow, Treasurer, referred to the submitted Bills List and noted that debt service and tax distribution payments are included. Discussion ensued regarding general administration expenditures.

Gallasch advised that Eddie Delbridge is ill and could not be present for the meeting. Stoppels noted that Delbridge is transmitting bi-weekly or monthly updates, is trying to best allocate her work hours to benefit the program, and referred Council to her submitted updated report.

VI. SUBMISSION OF CURRENT BILLS

Motion by Coyer supported by Schiano to approve the Bills List as submitted.

Discussion ensued regarding the following line items: Cablecasting Board (timing), Franklin Auto Service (tune up on Malibu), State of Michigan- Unemployment (timing/budget), and Mike's Tree Surgeons (Haverford property/costs recoverable) with administration requested to challenge the unemployment charges if appropriate and to provide to Council additional information relative to unemployment charges in terms of timing and whether costs were included in budget.

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

Nays: None

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Coyer noted that he was honored to have his daughters, Anna and Bridget Coyer and their Mother, Lynn Ruhlman with him this evening.

- **Marcia Gershenson, Oakland County Commissioner, District 17**, advised that the County 's Health Division website has information relative to H1N1, noted that the Health Department is recommending community members obtain seasonal flu shots, and schools are being contacted regarding timing of H1N1 vaccinations. Continuing, Gershenson thanked Coyer for his 14 ½ years of service to the Village.
- **Rick Koslowski, 26480 Woodlore**, thanked Coyer for his service to the Village noting that he has served with him on the Fire Commission, Council, as well as other committees, and that the Village is better because of Coyer's time and efforts contributed on its behalf. Continuing, he urged Council to support and approve the contract with the police officers as submitted.

- **Rose Galley**, 24440 S. Cromwell, noted she has been a resident of the Village for 47 years and feels lucky to live in this Village where she receives quality service from the Fire and Police Departments and extended those Departments a huge thank you for their service to the Village.

VIII. NEW BUSINESS

A. Consider Proposed Agreement Between Village of Franklin and POAM.

Gallasch provided a brief overview of the process and noted that the current contract expires at the end of this year, the proposed Agreement is proactive and cost-effective, Jahnke led a review of future legacy costs, Finance Committee met with MERS actuaries, and Schiano led a cost review. Schiano reported on his financial analysis of economic issues associated with the Agreement, noted that there is the potential for considerable savings to the Village over the 3 years with the amount varying by the medical inflation factor, non-economic changes do not represent increased costs to Village, and complimented all parties on providing a reasonable, timely, well-supported Agreement which he supports. Lamott reported as to non-economic issues and noted that this has not been an easy task but all parties have been great to work with.

#2009-83 Motion by Harnisch supported by Lamott to approve the Agreement as outlined in the Memorandum dated September 3, 2009, between the Village of Franklin and the POAM and to forward the Agreement to the POAM for ratification subject to finalization of contract language with the advice of Attorney, Dennis Dubay.

Harnisch requested that the Memorandum dated September 3, 2009, which outlines the terms of the proposed Agreement, be incorporated by reference and attached to the minutes, reviewed the main points of the referenced Memorandum, and noted the proposed Agreement saves the Village money, has been reviewed by a well-respected labor attorney, Dennis Dubay, who has expertise in these matters from the municipality perspective and who believe this is a very fair contract for the Village, Chief Browne has been involved in this process and is in agreement with its terms, other regional contracts have been reviewed, and the officers are to be commended for working towards a contract that benefits the officers and the Village.

Discussion ensued regarding clarification of motion and process. Jahnke requested an update as to the actuary's response and noted that the Village has legacy costs that it will have to deal with moving forward. Discussion ensued regarding actuarial report, with Gallasch noting the benefits of two-tier arrangement and opportunity to rehire retired officers, Coyer noting the timely, well-negotiated Agreement is good for the community and is fair, and Harnisch noting this is a fair contract, he appreciates the sacrifices made by the officers, compensation falls within the mid-range of area contracts which positions the Village to attract and retain quality officers, and how fortunate the Village is to have its own dedicated police force which provides quality and personalized service which is important to the Village.

Dayle Hoffecker, 26057 Romany Way, thanked everyone for working hard on the proposed contract and requested clarification regarding the calculation on retiree pay provisions and additional information on retiree health care provisions. Clarification was provided and retiree health care provisions were outlined with it being noted that retirees and the then current people have the same plan which is cost-effective and eliminates an administrative burden.

Discussion ensued regarding actuarial evaluation and the need to deal with future legacy costs.

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

Nays: None

Motion carried.

B. Consider Proposed Retirement Agreement with PO Gardner.

Gallasch noted this was brought up as a potential occurrence at the July 13, 2009, Special Council Meeting and referred Council to the Memorandum dated September 10, 2009, from Chief Browne which reviews the proposal of Officer Gardner for the purchase of a year's service credit from MERS.

#2009-84 Motion by Harnisch supported by Schiano to accept Officer Gardner's request to retire on May 1, 2010, and approve the purchase of a year's service credit from MERS at a cost to the Village of \$28,800.00. The additional credited service provision, as provided by the Municipal Employees' Retirement System of Michigan Plan Document, is granted this member, James Gardner, by resolution is adopted by the Village of Franklin Council at its Meeting on September 14, 2009 and it is understood that calculation of the actuarial cost is based on the assumptions approved by the retirement board based on the date the calculation was prepared. Actual future events and experience may result in changes different than those assumed and liability different than that estimated.

Discussion ensued regarding timing of payment, process, budgeting, cost offset/savings, two-tier arrangement, non-precedent setting due to the unique personal circumstances of Officer Gardner, with Chief Browne recommending acceptance and noting the potential cost savings and experience benefit to the Village.

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

Nays: None

Motion carried.

C. Consider Planning Commission Appointment.

Gallasch advised that as Bruce Blanton stepped down from the Planning Commission a few months ago he is requesting appointment of Steven Croyle to fill that position and referred to his submitted bio.

#2009-85 Motion by Coyer supported by Jahnke to appoint Steven Croyle to the Planning Commission.

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

Nays: None

Motion carried.

D. Consider Civic Event Permit for Questors event at the Kreger Campus, on October 9, 2009.

Lamott advised that this event is the night before the Kreger fundraising barn dance and will share the tent erected for that function. Discussion ensued regarding what Questors is with it being noted that it is a group of like-minded people that quest for antiques and history, event details, fundraiser to benefit the Kreger House, parking, liquor license, church parking agreement, and insurance.

#2009-86 Motion by Lamott supported by Schiano to approve Civic Event Permit for Questors event at the Kreger Campus, On October 9, 2009, from 7 – 10 p.m.

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

Nays: None

Motion carried.

E. Consider Proposed Franklin Community Church Parking Agreement.

Jahnke noted that this item dovetails with the permit that was just approved, advised that this Agreement is requested by the Church to be effective October 1, 2009, and suggested the submitted document be transmitted to Staran for consolidation into a formal agreement to be brought back to Council no later than the next regularly scheduled Council meeting and to define the municipal purpose in the contract and details of the bargain. Discussion ensued regarding formal agreement, municipal purpose is parking, other organizations which the Church will be proposing similar agreements to, agreement supplants parking fees, facility fees, purpose of agreement being to provide assistance to the Church for its parking lot which is used by the entire community, costs, and potential motion.

#2009-87 Motion by Schiano supported by Lamott to agree on a \$2,000.00 per year, 8 year, cost sharing arrangement with the Franklin Community Church subject to a formal agreement to be prepared by the Village Administrator and Village Attorney.

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

Nays: None

Motion carried.

Jahnke requested clarification as to whether the addendum should be a part of this Agreement with Staran noting that it can be referenced in the Agreement.

F. Consider Road Patching Bids.

Stoppels provided an overview, noting that the Village repaved roads in the Village between 1999 and 2002 and to address typical new pavement issues the Village instituted a fairly comprehensive crack and joint sealing program to prolong road life while reserve funds were built up in the major and local road funds for future road repaving needs. Continuing, he advised that bids were favorable and recommended approval of the low cost per foot bid from Michigan Joint Sealing, noted the estimated total cost is likely to be higher than anticipated as it is based on an estimated number of crack, and total expenditures will not exceed amount budgeted. Discussion ensued regarding experience with Michigan Joint Sealing with Stoppels noting that all bidders have been vetted by HRC, amount budgeted, potential motion, process, definition of crack, and condition of Franklin Road at South border.

#2009-88 Motion by Lamott supported by Coyer to accept the low bid of Michigan Joint Sealing to repair Village roads at a cost not to exceed the amounts budgeted in the major and local road budgets.

Jim Kochensparger, 30670 Kirk Lane, suggested that an inspection provision and compound specifications be included and inquired as to who would oversee an inspection with Stoppels noting that the Village's contracts for these matters always include specifications prep and inspections by the engineering company, HRC, which includes quality of material. Discussion ensued as to how deficiencies are addressed.

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

Nays: None

Motion carried.

G. Consider Request of City of Farmington Hills Concerning *Brody v Farmington Hills*.

Staran provided a brief background relative to this matter, referred Council to correspondence between himself and the Attorney for the City of Farmington Hills ("Farmington Hills"), Steven Joppich, outlined the request made by Farmington Hills for the Village to conceptually approve entering into an intergovernmental agreement which would authorize a sewer connection for up to a 7 unit development, noted the Village could prescribe additional terms and conditions in the agreement, and the Village's Engineer has reviewed this request and has found no reason to caution against entering into this agreement.

Discussion ensued regarding no obligation to enter into agreement, anatomy of a land use challenge, pros and cons associated with Farmington Hills request, Legal Committee discussion, Village's previous communications resisting development on its borders and Master Plan language referencing same, need for consistency with Master Plan, no impact with Village's arrangements with Oakland County or capacity issues for a 7 unit development, capacity issues, non-precedent setting, benefit to Farmington Hills, need for additional information, need for guarantees that Village's sewer system would not be negatively impacted, long-term relationship with Farmington Hills to the benefit of both communities, with Staran being requested to set up meeting with Council and Farmington Hills representatives and to request his costs be covered by Farmington Hills.

H. Consider Summer Quorum.

Jahnke noted that whatever we can do to make the final product better when we communicate with our residents is worthwhile and from his perspective, the final version was better than the draft, the draft was

a public document just as the final product was, and suggested the Quorum be produced in a timelier manner in the future.

IX. SPECIAL REPORTS

A. President's Report, Fred Gallasch, Village President

Gallasch reminded everyone about the September 23rd Main Street Program and requested community members to attend, get involved and provide input, thanked Coyer for all he has done to benefit the Village and noted that he will miss him, noted that the Village has received correspondence from Dorchester Hills Subdivision expressing gratitude for the tree removal assistance, thanked FCA for a successful Roundup, thanked everyone who was involved in the POAM negotiations, and thanked Council for approving the contract.

Schiano commented that he too will miss Coyer and noted that he is always a voice of reason and is able to articulate and clarify complex issues.

B. Council Reports

1. Wireless Report, Brian Coyer - Trustee

Coyer advised that discussions with Bingham Farms and Beverly Hills are not completed, Coldwater Michigan already owns its cable communications company and utilities, and offered his assistance to help move this forward.

2. Kreger House Report, Bill Lamott – Trustee

Lamott provided a status update, noted that as part of an Eagle Scout Project the barn will be painted on Saturday, and reminded as to the upcoming barn dance on October 10th.

3. Actuarial Evaluation, Mark Jahnke – Trustee

Jahnke requested information as to anticipated timing of a response from the actuary regarding the questions/issues previously raised with Stoppels noting that nothing has been received to date, no set date has been set, and that he will request clarification as to timing of report, and Stoppels being instructed to prepare correspondence to the actuary clarifying requested information and anticipated timing of response for review by Finance Committee.

C. Administrator's Report

1. Wind Turbines

Stoppels provided a brief review of wind driven electric turbines and noted the reasons why it is important for the Village to consider, size and appearance are driven by function, State and Federal government is promoting and legislating how, where and when these devices can be used, municipalities are attempting to regulate use and appearance, and Planning Commission will be considering this matter with the intent to make a recommendation to Council. Discussion ensued with it being suggested to include solar panels in these considerations.

X. ADJOURNMENT

Motion by Coyer supported by Schiano to adjourn the meeting.

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

Nays: None

Motion carried.

There being no further business, the meeting adjourned at 10:25. p.m.

Respectfully submitted,

Lori Rich, Recording Secretary



Eileen H. Pulker, Clerk

H. Frederick Gallasch, President