

**PROCEEDINGS OF VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY, JANUARY 12, 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: Mark Jahnke, Dominick Schiano, Fred Gallasch, Bill Lamott, Amie Saltzman, Alan Harnisch (arrived at 8:02 p.m.)

Absent: Brian Coyer (excused)

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

**III. ADOPTION OF AGENDA**

**Motion by Lamott supported by Harnisch, to adopt the Agenda as amended.**

Jahnke requested the Agenda be amended to include an update on Eddie Delbridge's activities relative to the Main Street Program. Stoppels advised that Ms. Delbridge will be present later in the meeting to address Council.

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

**IV. MINUTES**

**A. December 8, 2008 Regular Village Council Meeting.**

**Motion by Saltzman supported by Lamott, to approve the minutes of the December 8, 2008 Regular Village Council Meeting as written.**

Jahnke stated that there was a lot of detail in the minutes and suggested less detail.

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

**B. December 8, 2008 Special Village Council Meeting, CIA Public Hearing.**

**Motion by Lamott, supported by Jahnke, to approve the minutes of the December 8, 2008 Special Village Council Meeting, CIA Public Hearing as written.**

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

**C. December 18, 2008 Special Village Council Meeting.**

**Motion by Lamott, supported by Saltzman, to approve the minutes of the December 18, 2008 Special Village Council Meeting as amended.**

Jahnke referred Council to the reference to Stephen Estey, consultant to Dykema Gossett in section III on page 1 and stated that Mr. Estey is an attorney, not a consultant. He also stated that the tour of the school was a beneficial and important part of that meeting and requested that that be expanded upon.

Schiano requested the power point from the Special Village Council meeting be attached to the minutes if the Village can acquire it.

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

**V. REPORTS OF VILLAGE OFFICERS AND AGENTS**

**Patrick Browne, Police Chief**, advised Council that relative to criminal activity there was not a lot to report on for the month of December. He noted that the Department had been called to assist the Farmington Hills Police Department in one incident and there had been the common calls for service throughout the month. Chief Browne continued by describing the effects of and response to the severe wind storm on December 28, 2008 noting that the bulk of the responses was handled very well. He further described the incidents relative to downed wires, the police and fire departments response, how calls for emergency service are handled by Farmington Hills dispatch, adding that he has requested Farmington Hills to research when the first call came in so he can be assured the Village residents are receiving the best information possible and a timely response.

Chief Browne advised Council that all the Department's vehicles are equipped with scanners which enable e-citations to be issued, printed and electronically transmitted to the Court which will ultimately result in time savings.

Chief Browne introduced the Village's new part-time Officer, George Krajewski, and provided a brief summary of his experience, skills, and knowledge, adding that he has been with the Department for about a month, working the afternoon to midnight shift.

Officer Krajewski thanked Chief Browne, Administrator Stoppels and the Village Council for the opportunity to be part of the Police Department and the community adding that he feels at home here. Council collectively welcomed him aboard.

Gallasch advised Council that Chief Browne was elected the head of the South Eastern Michigan Association of Chief's of Police, with Council collectively extending their congratulations to the Chief.

**Thomas Morrow, Treasurer**, referred the Council to his written report, summarized the bills report as provided to Council in the packet, adding that at the time the report was

prepared he did not have current bank rates, but he would expect them to be at or below what they were in November

**Tony Averbuch, Fire Chief**, expanded upon his written report regarding the effects of and response to the wind storm of December 28, 2008. He advised Council that the Department responded to over 20 incidents of wires down calls, and described some of the incidents in more detail. Chief Averbuch advised Council that he needs to look at the big picture as well as individual incidents in that type of a situation. In terms of the big picture, ensuring roads are open for both emergency and residential access is of primary importance, and in that regard, the Fire Department in conjunction with the DPW found no less than 8 roadways that were impassable due to downed trees. He further described the complexities of dealing with downed wires, aging trees, aging wires, and severe weather elements, adding that the Department had to prioritize how to handle those situations, described the process of handling these types of situations, and provided a response summary for some specific incidents. He continued by advising Council that in addition to downed wire calls, the Department, as well as the Police, had to respond to numerous false fire and carbon monoxide alarms as well as a gas leak. Chief Browne stated that December was a busy month, the Department having received 61 calls for service.

Chief Averbuch advised Council that effective January 1, 2009 the Department has initiated an overnight coverage program which is geared towards decreasing the night response time, stating that this is a good program which has already shown its' benefit.

Averbuch concluded by requesting everyone to keep sidewalks and roadways clear of snow, advising that due to the upcoming extremely cold weather, any residual snow will soon turn to ice and passed along a reminder to be cautious driving and yield to pedestrians in the crosswalks.

Gallasch commented that in the Summary of 2008 Responses, the average response time was 4.44 minutes which is an extremely good response time. He continued by stating that the top 10 responders for the year are noted in the Summary and the Village owes all of the responders, but especially the top 10, a lot of gratitude.

**Jim Kochensparger of Greenscapes, Inc. (Village DPW)** was not present at the meeting.

## **VI. SUBMISSION OF CURRENT BILLS**

**Motion by Jahnke, supported by Lamott, to approve the Bills List as presented.**

### **TOTALS**

<b>General Administration</b>	<b>\$</b>	<b>13,654.52</b>
<b>Building</b>	<b>\$</b>	<b>6,076.57</b>
<b>Insurance</b>	<b>\$</b>	<b>49,201.59</b>
<b>Legal</b>	<b>\$</b>	<b>3,404.00</b>
<b>Police</b>	<b>\$</b>	<b>17,323.29</b>
<b>Pressure Sewer</b>	<b>\$</b>	<b>461.30</b>
<b>Major Roads</b>	<b>\$</b>	<b>4,406.24</b>
<b>Local Roads</b>	<b>\$</b>	<b>4,398.56</b>
<b>Rubbish</b>	<b>\$</b>	<b>16,340.64</b>

<b>Trust &amp; Agency</b>	<b>\$</b>	<b>400.00</b>
<b>Tax Fund</b>	<b>\$</b>	<b>34,017.47</b>
<b>ALL FUNDS</b>	<b>\$</b>	<b>149,684.18</b>

Jahnke requested additional information regarding the entry for the Main Street Director computer and proposed location, to which Stoppels replied it is a small desktop (book shelf model) which will be located in the front office.

Jahnke opined that the hours for William Dinnan & Assoc., LLC seem high considering the low level of building activity in the Village.

Jahnke inquired if the item for Keller Thoma, legal matters for the police department, was related to VanLacken and if the matter had been discussed to which Stoppels replied yes.

Jahnke inquired if the HRC meeting with OCDC item is reimbursable to which Stoppels replied no.

Schiano inquired regarding the item description for Rubbish - Waste Management of Michigan, why it is labeled as an estimate, to which the Clerk replied that the bill was officially received today, and that in cases when the bill comes after the bills list has been prepared, the item is estimated and any differences carry over to the next list.

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

## **VII. PUBLIC REQUESTS AND COMMENTS**

Marcia Gershenson, County Commissioner, wished everyone a happy new year and advised Council that January is National Radon Action Month. She continued, announcing that the County has scheduled meetings on February 2, 2009 and 7<sup>th</sup> regarding distribution of HUD neighborhood stabilization funds, alerted Council that domestic violence incidents have increased, RE Max and Mini Storage are collecting used cell phones for troops overseas, Lawrence Tech. has implemented a new program to assist up to 400 displaced workers, promoted a new website "buymichigannow.com", and stated that additional information regarding any of the above can be obtained by contacting herself or the County.

Charles Moss, State Representative, wished everyone a happy new year and advised Council that the Legislature starts a new session the day after tomorrow and will be handling a lot of budget issues, essentially everything that did not get done in Lame Duck.

Discussion ensued regarding budget related matters at the State level and any potential impact on revenue sharing, impact on road funds, and the need to implement solutions such as the County and Village have implemented to address funding items involving legacy costs.

Christopher Pray, 26011 German Mill, asked Administrator Stoppels if the Village has a snow removal ordinance which requires adjacent neighbors to remove snow on the sidewalks and if there is a notification process, to which Stoppels replied, yes and it is being followed. Mr. Pray continued by thanking/complimenting the contractor handling

Village snow removal. He continued by commenting on the Huda School meeting which was held on December 18, 2008 stating that he still questions what the objective of the meeting was, why it was positioned as a formal Village Council meeting, requested that President Gallasch provide a brief summary of the meeting, and follow up on items such as lighting.

Gallasch provided a summary of the Huda School meeting, adding that the purpose of the meeting was to provide an opportunity for everyone (Council and Citizens) to be better informed as to details relative to the School. He continued by suggesting that the minutes of the meeting are a matter of public record and will be available online to anyone who would like to read them. He inquired of Administrator Stoppels if any follow up had been received from the Huda School, to which Stoppels replied no.

Schiano stated that the Huda school meeting was designed to bring community members together with School representatives for an informal discussion which would be beneficial in that more formal Village meetings will be scheduled in the near future. He also stated that the Village should review what needs to be followed up on in terms of issues and should follow up.

Jahnke echoed Mr. Pray's comments regarding snow removal, with Gallasch requesting Stoppels to pass these comments along to Kochensparger (Greenscapes).

Harnisch agreed regarding the excellence of snow removal to date. Regarding the Huda School meeting, he stated that he had a better understanding of what is at issue after attending the meeting, that for him, personally, it was worthwhile, and that it gave Council and any residents who attended a chance to be involved and ask questions

Mike Seltzer, 27160 Scenic Drive, stated that, at the very least, these minutes are important, the meeting was valuable, there a lot of contradictions within these minutes, a lot of questions that were not answered, and that he would like to know what the Council's position is on questions that were asked which were also included in a letter from Stoppels in correspondence to the Huda School back in August. He added that these questions still need to be answered and that he agreed with Mr. Jahnke's correction as to Mr. Estey's status as an attorney which he felt was deceptive on the part of the Huda School. He continued by further delineating some of the contradictions, unanswered questions and issues he believes need to be pursued and stated that it is important that the Village looks out for the Village.

Steve Rosenthal, 26091 Romany Way, stated that he felt the meeting was a good idea and that it is good to hear that the Village is going to look at the special uses on the site. He continued by advising Council that for an extended period of time residents have been contacting the Police Department regarding the difficulties they were having regarding traffic at that site, and queried whether Council really was aware of the difficulties they were encountering on a daily basis. He stated that there are some risks, problems, safety issues, and neighbor issues associated with this site, even though it is a school that has value.

Bill Finnicum, 25885 German Mill, stated that the evening was valuable, the school is beautiful, teachers are passionate and good educators, students are getting a good education, but the meeting was to be addressing all the uses of the building and the adult,

community center and worshiping uses were glossed over and not properly addressed or answered. He continued by asking why no questions were asked of the Huda School by the Village Council as this was an official Council meeting, and queried when Council would be asking questions regarding these uses and uses in the building, as our zoning ordinance is use based.

Jahnke, responding to Bill's question, stated that these questions would first be addressed by Planning Commission which would include a public hearing and then by Council as the site plan review moves forward.

Discussion ensued regarding the special use and site plan process and status, permitted school related uses/activities, information provided by the School regarding uses, Village process regarding special uses, lack of clarity in dealings with the School, and the formal Village processes that will review and determine all of the issues.

Rosenthal further commented on whether or not another site plan is submitted, will the special use be reviewed before the site plan submittal and opined that each individual use of the building would require its' own special use application.

Staran responded that it was not true that each activity would require a separate land use application, noting that the primary use was as described; that of a school, and the Village had received responses to many of the questions provided to the school.

Stoppels stated that the information requested by the Village of the Huda School in August was in great part provided prior to and at the Huda School meeting, the Village is in the process of reviewing the information provided and is and has been monitoring school activities, which the Huda School is aware of, for verification purposes. The Village is also investigating what is considered to be typical school uses, acknowledging that many public schools are providing activities that may exceed what the Huda School and other private schools are offering. He continued by stating that, additionally, they are seeking to determine if what the School is currently providing has been provided since its inception and what uses were provided that are no longer being provided. Stoppels stated that he will be sending the School a letter thanking them for the meeting, advising them as to what information is still pending, advising them as to what they need to do for follow up relative to their internal (sidewalk) elements, and that he will ask them to memorialize their presentation and provide a copy of the power point. He concluded by advising Council that this is something his office is working on regularly and that researching/analyzing the issues and information provided takes time.

Bill Finnicum opined that the processes for special land use permit and site plan review do not have to be linked - Planning Commission gets to make that determination. He added that other communities whose schools may be providing expanded uses have probably gone through the special use process.

## **VIII. OLD BUSINESS**

### **A. Consider Oakland County Drain Commissioner (OCDC) Proposed Sewer Repairs.**

#### **1. Consider Manhole Venting System installation at two discharge manholes.**

Gallasch introduced this item by stating that this proposal has been reviewed by Wastewater Management Board, Legal Liaison, and Finance Committees, and requested Administrator Stoppels to provide an overview of the proposal.

Stoppels provided a brief review; reminding Council that OCDC had informed the Village a few months ago that the sanitary sewer main lines outside of the Village have deteriorated considerably over the last few years and that corrosion has been intensified due to the nature of the sewage coming from the Village. He further stated that these lines are 40 – 50 years old and are probably 60 – 70 percent through their usable life. Stoppels advised Council that OCDC is asking the Village to do the following: 1) pay the costs to reline the sewers outside the Village, and 2) install venting system in our system that will prevent the pressurized system's caustic material from going into their main lines. Stoppels stated that Council will be asked to authorize proceeding with the venting and provided a summary of the Legal Liaison and Finance Committee's review relative to this matter.

Gallasch asked Stoppels if the OCDC has been assured of getting a grant for this matter, to which Stoppels replied that the OCDC has indicated they have and that a response date is involved, but he has no knowledge of what that date is. Gallasch, summarizing the matter, stated that if the OCDC was to get a grant the Village would need about \$125,000 to repair the pipes, the next item for discussion (the requested vents) will be around \$40,000, and that the Legal Liaison and Finance Committees feel that the Village had no obligation to repair OCDC lines.

Discussion ensued regarding what direction Council needs to provide Administration, with Stoppels stating that Staran has been requested to prepare a draft letter to OCDC outlining the Village's official position and Staran summarizing his thoughts relative to this request.

**#2009-01 Motion by Jahnke supported by Harnisch, to authorize the Village Attorney with the assistance of the Village Administrator to prepare correspondence to the OCDC to be signed by President Gallasch on behalf of the Village Council stating that after review of the situation and understanding the Village's contractual obligations and contributions to the system for over 40 years, the Village will take responsibility for the two venting stations but the Village is not responsible for relining of the concrete pipes.**

Harnisch amended Jahnke's motion to eliminate reference to communications with the Village Counsel so that attorney-client privilege would not be waived.

Schiano amended Jahnke's motion by substituting "not responsible" for "not contributing to".

Chris Pray requested information as to the location of the vents to which Gallasch replied that will be addressed next.

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

Stoppels advised Council that what he is looking for tonight, as has been discussed by both Legal Liaison and Finance Committees, is authorization to proceed on the design work, specifications and bidding for the venting manholes which would be located at the extremes (the last point where the Village's sewage leaves the Village and goes into the system). He added that this is a fairly simple system with a cost of about \$40,000 and work would commence in the spring. He further advised that when more solid figures are obtained he would return to Council and request a budget amendment to transfer funds and summarized funding and millage impact.

Discussion ensued regarding impact on millage, extent and location of work, and notification of those nearby.

**#2009-02 Motion by Jahnke, supported by Harnisch, to authorize Administrator Stoppels and the Village Engineer to draw up the plans to create the two Manhole venting stations, obtain bids and return to Council after they have gone through that process.**

Harnisch suggested that by the Village's authorizing of this preliminary approval of the venting system the Village is in no way conceding that the lack of venting to date has caused any damage to the drain, pipes or anyone else.

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

## **IX. NEW BUSINESS**

### **A. Consider the Planning Commission referral of the Site Plan Application for the Kreger House, Barn and shed, and schedule possible public hearing.**

Gallasch personally commended everyone on the Kreger House team for doing a good job as well as all of the various Boards and Commissions that went by the book but made things happen so that the job could proceed.

Stoppels provided a brief background, stating that the site plan went before the Planning Commission which approved it subject to certain conditions, adding that to move forward, Council would need to set a public hearing date and ensure that conditions are being met before giving any final approval.

Lamott reviewed the material provided to Council in their packet regarding this matter adding that he has committed to filing a special use application and obtaining approval if the use is changed to community use and that the barn may be a 2010 project. Lamott continued by stating that all budget estimates are estimates, none having been market tested, and if anything the numbers may be high.

Gallasch questioned the amount budgeted for landscaping to which Lamott replied that there will be very minimal landscaping and that the final amount may be more than is currently budgeted; it will still be minimal.

Discussion ensued regarding the budget.



Gallasch stated that he has some apprehension regarding the bathrooms and identified various issues that would need to be addressed with a traditional bathroom such as: winter use, security, funding for maintenance, security, cleaning, etc., to which Lamott agreed these are unresolved issues that still need to be finalized.

Jahnke commented that his thoughts regarding the action plan would be to put the barn improvements ahead of the public restrooms, to which Lamott commented that there can be some flexibility with these issues and invited anyone to attend the meetings to provide additional input.

Discussion ensued regarding the budget and the project.

**#2009-03 Motion by Lamott supported by Schiano to hold a public hearing at the February regular Village Council meeting, to receive citizen input for the proposed Kreger House and outbuildings site plan.**

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

**1. Consider Bill of Sale, Terms of Donation and Memo of Understanding for Kreger House.**

Staran stated that through a discussion with the Legal Liaison Committee and a follow up conversation with Trustee Lamott, the Bill of Sale is needed to provide an appropriate paper trail for the transaction between the Historical Society and the Village. He continued by advising that it would be appropriate to also have a memorandum of understanding to set forth in simple terms the various undertakings, time-table, relative responsibilities of the parties, etc., and stated that the Bill of Sale could be acted upon tonight or both the Bill of Sale and the memorandum of understanding could be acted upon at the February meeting

Saltzman inquired if the matter should go before the Zoning Board of Appeals (ZBA) first, and with the concurrence of Council, suggested considering the Bill of Sale and the memorandum of understanding at the February meeting.

**B. Consider Revision to Village Meeting Schedule for 2009.**

Clerk Pulker reviewed the material provided in the packet regarding the timing of the Village election, the Charter requirements for the Organization meeting, and possible changes to the Village calendar due to the Village election falling one week later than originally anticipated.

Discussion ensued regarding dates, timing, and charter requirements for the scheduling of that meeting. Staran stated that he would research the matter to determine if there are legal reasons why the Village cannot hold the meeting earlier at one week after the election. The consensus of Council was that the Organization meeting would remain as scheduled for September 21, 2009 unless Staran determines that the meeting is required to be held on a later date.

## **X. SPECIAL REPORTS**

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

#### **1. Main Street Oakland County – Process to Establish Executive Board**

Gallasch addressed Council regarding the proposal he has submitted regarding the formation of the Main Street Board, his underlying philosophy, the intent to compose the Main Street Board so that it meets the requirements of a Corridor Improvement Authority (CIA) Board, sub committees, Board composition, and requested that interested candidates fill out and return application forms by the end of this month if they are interested in serving on this Board. He also stated that he is open to suggestions and that it is his understanding he appoints the candidates and the Council approves his choices.

Discussion ensued regarding the Board with Schiano asking if it was his intent to finalize the Board composition before the next meeting to which Gallasch replied yes.

Gallasch thanked Brian Coyer for covering for him at the last meeting, the Kreger Team for all of their hard work, and the Observer Eccentric newspaper for all of their coverage of the Kreger House.

Lamott stated that in light of the wind storm and downed wires, now might be the time to initiate discussions with DTE or the MPSC regarding burying wires.

Discussion ensued regarding costs, recent litigation, potential damage to trees, advancements in technology, with Jahnke suggesting this be brought back next month if someone would like to address it further.

### **B. Council Reports**

#### **1. Wireless Report, Brian Coyer – Trustee.**

No report due to Coyer's absence.

### **C. Administrator's Report**

Main Street Director Eddie Delbridge addressed Council, provided a summary of her activities, announced that she is excited and anxious to get underway, and that she will have materials to share at a future date for all who are interested.

Discussion ensued regarding her activities with Gallasch advising her that they need to meet before the next meeting, Schiano asking if she has been meeting with merchants, and Jahnke requesting that she provide a report to Council monthly.

#### **1. Dental Insurance Renewal**

Administrator Stoppels advised Council that Clerk Pulker has determined that the Village can save money on dental coverage by: 1) change the company covering the administrative employees and realize a possible 4% savings if Blue Cross, 2) move police officers to different company at a lesser cost, keeping identical coverage, and 3) move unions to different company during negotiations at contract renewal.

Gallasch stated that Personnel and Finance Committees have considered this and thought that it is a good move to make.

Discussion ensued regarding cost savings and changes that can be made now.

**XI. ADJOURNMENT**

**Motion by Lamott supported by Harnisch to adjourn the meeting.**

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

**Nays: None**

**Absent: Coyer**

**Motion carried.**

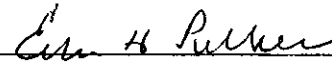
There being no further business, the meeting adjourned at 9:58 p.m.

Respectfully submitted,

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Lori Rich, Recording Secretary

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Eileen H. Pulker, Clerk

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H. Frederick Gallasch, President