

**VILLAGE OF FRANKLIN  
VILLAGE COUNCIL REGULAR MEETING  
MONDAY, MARCH 12, 2018, 7 PM  
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE  
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN 48025**

**I. CALL TO ORDER**

The meeting was called to order by President Pamela Hansen, at 7:00 PM at the Franklin Village Hall, Franklin, Michigan.

**II. ROLL CALL**

Present: Fred Gallasch, Brian Gordon, Pam Hansen, Judy Moenck, Tom Morrow, Mira Stakhiv  
Absent: Mike Seltzer (excused)  
Also Present: Jim Creech, Village Administrator  
Chief Dan Roberts, Police Department  
Chief Tony Averbuch, Fire Department  
Eileen Pulker, Village Clerk  
Lance Vainik, Village Treasurer  
Ann Christ, Village Attorney  
Kim Etheridge, Project Manager, MDEQ  
James Burton, Hubbell, Roth & Clark

**III. ADOPTION OF AGENDA**

**Motion by Gallasch, seconded by Stakhiv to adopt the agenda, as presented.**

Hansen requested that item **VIII. SPECIAL REPORTS, E. Michigan Department of Environment Quality (MDEQ) and Oakland County Health Division (OCDC) Reports** be moved after **III. Adoption of the Agenda** and item **X. UNFINISHED BUSINESS, A. Consideration of the Burger Barn** be added.

**Motion by Gallasch, seconded by Stakhiv to adopt the agenda, as amended.**

**Ayes: Gallasch, Hansen, Moenck, Morrow, Stakhiv**  
**Nays: None**  
**Absent: Seltzer**  
**Motion carried.**

**VIII. Special Reports**

**E. Michigan Department of Environmental Quality (MDEQ) and Oakland County Health Division (OCDC) Reports**

Kim Etheridge, Project Manager and Compliance Assistance, MDEQ began her Power Point presentation with a brief historical background of the original structure, which was built in 1936 by William Jones, up to the most recent events. She also provided to Council a hand-out, PROJECT UPDATE 2 – FRANKLIN VILLAGE PLAZA, FRANKLIN, MICHIGAN 3/2/2018.

Etheridge began by stating that on March 5, 2018 Oakland County posted the Imminent Danger Notice on the Franklin Village Plaza (the Jones Building) and its present businesses, based on findings from an environmental investigation by MDEQ. Etheridge stated that MDEQ's involvement began with the environmental samplings taken in August and September 2010 which were the first indicators of any contamination. Based on the findings, the site became part of the "Triage" program which is part of a MDEQ-funded statewide sampling program and funded through the Refined Petroleum Fund. (A representative from AECOM of Southfield, MI which was awarded the bid to continue the environmental investigations and possible mitigation and remediation was present at this meeting.) Etheridge explained the MDEQ State Funded Action Plan for the site beginning in June, 2016 until and including the most recent events. She detailed those subsequent activities, including MDEQ Samplings and Investigations (3/5-3/9/18) and the MDEQ Sampling and Remedial Actions to be completed. Optimistically, the reopening date of the Franklin Village Plaza could be 3/21/18. Included in the presentation were maps of Soil Concentrations, of Groundwater Concentrations, and a chart of Indoor Air Concentrations as of 3/12/18. She expressed her appreciation to all those who have properties either at or around Franklin Village Plaza who had been agreeable and gave them access to sample the soil and groundwater contamination.

Etheridge asked that for those interested in the entire Power Point presentation, they could email her at: [etheridgek@michigan.gov](mailto:etheridgek@michigan.gov).

Lauren Slutsky, who owned a children's clothing shop located in the Franklin Village Plaza for two (2) years (2013-2015), inquired as to what the ramifications of having high levels of PCE's leaking into the building. Lisa Quiggle, a Toxicologist with the state of Michigan in the Health and Human Services Division and the Vapor Intrusion Manager for the state, addressed the health effects and advised her to discuss her concerns with her doctor and what procedures they might want to pursue.

Jayne DePotter, owner of Fritz and Friends, expressed her concerns and asked Quiggle if she could confirm some statements she had been given. Quiggle's advice was for her to speak with Poison Control.

Gary Cooper, acknowledged that Mrs. Kim had been removed from liability in a Baseline Environmental Assessment (BEA) document in 2011, but his questions concerned liability from what, what were the conditions that was known, and questioned why wasn't anyone aware of the chemical issue until now.

Etheridge noted that she had brought pamphlets for the public explaining the "Due Care" laws which obligate the property owner to take action to protect people from contact with contamination. These were not in place in 2010. She also noted that in August and September 2010 only soil and groundwater samples were collected, not the indoor air quality samples. Even though records of such samplings have been kept in the MDEQ office, the Village of Franklin was not aware of the results until recently. Those files can be accessed at the MDEQ office. In response to an audience inquiry, Etheridge confirmed that the property owner knew the results and has been very cooperative in this recent investigation of the existence of the air quality problem. The owner was under the impression that with the submittal of the reports to the BEA

there were no health and safety concerns, which Etheridge pointed out is a generally held misnomer.

Moenck inquired if façade and/or parking lot work could disrupt or activate the chemicals. The answer was that this was a possibility and was one of the reasons for the activation of the evacuation order.

Stakhiv questioned what procedures MDEQ has to notify cities and villages and were they going to be changing. Etheridge explained the process and agreed that changes were needed. Gallasch was in support of notifying all government entities. DePotter stated that Etheridge had been in contact with the Village in May 2017 but no one, including Main Street Franklin, had contacted her. Creech explained that up to that point there had only been soil and groundwater testing; the vapor testing was recent and it was those results which identified the problem. Creech related the most recent events, including the March 2, 2018 notification of existing problems and the voluntary closure of the Plaza stores. The question from several business owners, current and past, remained, “Why hadn’t the Village been informed before March 2, 2018 that there were problems?”

Merrily McDonald, owner of Village Yoga which is across the street from the Plaza and Board member of Main Street Franklin, explained that MSF was not aware of any of this and therefore, could not notify any of the businesses involved. Her main concern was the lack of communication within the Village center on March 2 and who was accountable for letting everyone in the Village know that something was happening. Hansen replied that the Village learned about this on March 2 and two (2) emails were subsequently sent out to the Villagers and all those who are on the Village’s “Communication List”. Elina Costello, MSF Chair, several MSF Board members, and Creech had an informative meeting with the MDEQ and the Health Dept. McDonald expressed her concern and frustration.

Kathy Forzley, Oakland County Health Dept., addressed the department’s involvement and its mediation process. For the benefit of those businesses across the street, she further explained that after discussions with the Franklin Fire Chief and MDEQ and MDHS, there was strong reason to believe that the risk was contained to the Plaza. Etheridge verified that as of 4 PM that afternoon the test results indicated that the liquid found was volatile but not explosive. Etheridge and Kathy Forzley responded to Hansen’s query for any guidance and recommendations from MDEQ and the Health Department for the residents and businesses. Logistically, Etheridge gave dates for possible re-opening all depending on the results from the air quality testing.

Gary Cooper, complimented Etheridge on her handling of this situation with the store owners. Cooper further commented that however, lack of funds should not have prohibited the dissemination of a notice, announcement or some kind of communication about the imminent danger. That would not have cost anything. Lastly, he was interested in the realistic date and the pessimistic date for the re-opening. Etheridge stated that the optimistic date would be this Wednesday, the realistic date might be a week later and the pessimistic date could be the following week.

Answering Stakhiv's questions, Etheridge addressed the subject of any emergency plans, if needed, and explained that this subject was to be reviewed the next morning; being pro-active was very important. Fire Chief Averbuch detailed the Fire Department's responsibilities and duties and added his support that time and communication are extremely important. If residents have questions, please call the Oakland County Health Dept. 248-848-5533.

Slutsky requested that Etheridge confirm the timeline of events leading up to the evacuation. Gordon gave his understanding that a BEA (Baseline Environment Assessment) was voluntary for an owner or purchaser of a building for the reason of absolving the purchaser from any responsibility from prior acts on the property. If the new owner did not obtain such an assessment she/he would be responsible for the cleanup of the property. This was a public health issue and the BEA is more of a business program, mainly for development of potentially contaminated sites.

Etheridge answered Hansen's inquiry about what the residents should expect in terms of communication in the next few days from with MDEQ or the Health Department.

McDonald stated that she felt that someone needed to rectify all the "fake News" about the situation, who was effected by this, and who was not.

**Motion to delay the meeting for 10 minutes was proposed at 8:25PM, and agreed to unanimously.**

**The meeting was called back to order at 8:35 PM.**

#### **IV. MINUTES**

##### **A. Regular Meeting of February 12, 2018**

**Motion by Morrow, seconded by Moenck to approve the Regular Meeting Minutes for February 12, 2018 as presented.**

Moenck noted that on page 10, #2018-09, no one was identified as making the motion nor seconding the motion. Pulker will provide the names in the minutes as needed.

**Motion by Morrow, seconded by Moenck to approve the Regular Meeting Minutes for February 12, 2018, as amended.**

**Ayes: Gallasch, Gordon, Hansen, Moenck, Morrow, Stakhiv**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

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

**Dan Roberts, Police Chief**, referred to his written report and said there was not much to report from a crime perspective. On an administrative level, he had a few items he wanted to bring to Council's attention: Lt. Brian Crane will retire April 20, 2018 after 33 years of service to the Village. There will be a function for him Friday, April 13. Crane is taking another police job in

Bloomfield Village. A new position has been posted on several sites. Today a panel of himself, Lt Crane, and Sgt. Bastianelli interviewed two (2) impressive candidates for that position. There were discussions today with Hansen and Creech about hiring two (2) full-time officers instead of filling the remaining vacant part-time positions. He was of the opinion that this would be the most opportune time to hire highly qualified officers. Financially, he was not worried about the rest of the current year as he has various monies left over on several budget accounts. Going forward the Village would have to consider if this would be possible. With Crane's retirement a command position in the Department opens up and he has notified those eligible full time officers they could apply for this Sargent position. Testing for it would be mid-April. Depending on the written results, a panel interview might be appropriate. His proposed 2018-19 Budget which was a little less than a 3% increase was included in this month's Council packet; however, it might change depending on if an extra person is hired. Most of next year's increase was attributed to insurance costs.

Gallasch complimented Chief Roberts on the Budget. Roberts added that the figures for salaries were estimates because the Police Officers' contract was up mid-way through this fiscal year. Because of that, a 2% increase was added for the last six (6) months. Hansen inquired about how the coverage would change if two (2) full-time officers were hired vs. part-time officers. Roberts explained that if there was a full contingent of officers a full-time officer could be put on an outside Task Force, such as, a narcotics enforcement team, from which the Village might obtain some forfeiture monies.

**Elina Costello, MSF Chairman of the Board of Directors**, related that the Board understood the importance of communication among all of the stakeholders and parties who are involved with what was going on in the Village at this moment. MSF will do whatever is necessary to prevent alarmist tendencies and only focus on facts. Gordon agreed that MSF would be the most appropriate entity to handle such press releases with accurate information without causing undoable harm. Costello informed Council that about three (3) days ago Franklin's Oakland County Coordinator or Program Director requested that going forward Oakland County Officials take charge of damage control where the press was concerned. Also, Friday morning there was a meeting with all the parties concerned, including MDEQ, during which there was a discussion about the collaborating of email lists to disseminate the same accurate information to as many Franklin people as possible.

Gallasch added that even though the Fire Chief Averbuch was designated the Village "Point Person", he thought it would be beneficial if the Village had a "Second in Command" when and if Averbuch was not available. The Village needed to learn from this exposure and have the process documented. Communication with the citizens and the press was imperative. Gallasch also reported that MSF had a meeting and lunch with visitors from KY who gave important suggestions for programing.

Costello informed Council that according to a polling organization out of MN, it had ranked Franklin #6 on the list of favorable suburban communities in Metro Detroit to live in, taking into account school data, police data, etc.

Stakhiv was curious about the search process for a MSF Executive Director to which Costello responded stating that a team from Oakland County Main Street had been helping out MSF. One member is John Bry's aide who has been designated MSF's "Contact Point Person" for the interim until such time an Executive Director is selected. She attends all the regular MSF meetings and would be helping in soliciting candidates for the position using Oakland County resources.

**Tony Averbuch, Fire Chief**, referred to his written report and added two items: 1) Reminder to residents and businesses when renovating, sanding floors: please cover the smoke detector and notify the alarm company. Make sure the alarm systems are maintained. The Department has been getting more and more false alarms. 2) He was working on the Budget and should have approval by next Monday, at which time it would be forwarded to Council.

Responding to Hansen's request, Averbuch, as the Village Point Person, recounted his extensive involvement with the recent activities pertaining to the human health and environmental concerns associated with the Franklin Plaza. Communication within the Village and outside as well, is and was, most important to the successful handling of a situation such as this current one. Many lessons were learned from this incident, not only from Franklin's perspective but also from Oakland County's, such as: How does the Village move forward and how does Franklin work with local county and township officials.

**Lance Vainik, Treasurer**, referred to his monthly report and noted that the amounts on the Bills List are consistent with normal monthly spending for a total of \$174,211.21. Vainik stated that the expenditures are generally consistent with the FY 2017-18 Budget. The Bills List for this month includes a large entry for Street Project Services for the Franklin Road Project, payable to Hubbell, Roth & Clark, Inc. Vainik added that the list provided of account balances, at Level One Bank, is as of March 8, 2018. He concluded by stating that the Village has sufficient funds to meet its current and anticipated obligations. The Consolidated Report regarding the balances held in interest bearing insured CD's held at Multi Bank Securities, Inc. will be provided in the next few days as some of those reports had not been disseminated.

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

**Motion by Morrow, seconded by Gordon to approve the Bill's List, as submitted.**

Gallasch pointed out for the Council's benefit that it received several documents and the one titled. "CHECK PROOF FOR VILLAGE OF FRANKLIN" was only a partial list of the actual checks list which the Council had requested. He noted that several large item checks had not been included which explained the discrepancy between what Council was actually approving and this particular document. Creech explained the differences: the Check Proof list contain bills yet to be paid which Council were approving tonight – the checks and email transfer would be cut and sent out tomorrow; the "INVOICE GL DISTRIBUTION REPORT..." was a budgetary spreadsheet of where the expenses were and included check numbers for those bills which had already been paid as well as Fund Totals by Vendor plus four (4) EFT's. The total amount to be approved at this meeting would be \$174, 211.21.

Gordon inquired about the check for Facebook Monitoring for the Police Department. Moenck clarified the incorrect description of the Police Dumpster was for the monthly charge for the entire Village and the notation of payment to Canfield Equipment Service, Inc. was for the retrofitting of the new police car.

**Ayes:** Gallasch, Gordon, Hansen, Moenck, Morrow, Stakhiv  
**Nays:** None  
**Absent:** Seltzer  
**Motion carried.**

<b>TOTALS</b>		
General Administration		\$ 34,966.77
Building		\$ 8,363.83
Insurance		
Legal		
Police		\$ 69,013.63
2017-2018 Road Bond Fund		
2017-2018 Road Project Fund		\$ 23,940.08
Major Roads		\$ 10,510.50
Local Roads		\$ 10,510.5
Rubbish		\$ 14,828.90
Pressure Sewer		
Waste Water		\$ 49.00
Trust & Agency, bond refunds		
Gen Debt		\$ 1,050.00
Tax Fund, distributions or tribunal refunds		
Electronic payments not included in above		\$ 978.00
<b>ALL FUNDS</b>		<b>\$174,211.21</b>

**VIII. SPECIAL REPORTS**

**D. Village Engineer Report**

James Burton, Hubbell, Roth & Clark, noted that presently there wasn't any active construction but he reported on important points. There were several meetings with the contractor including the Special Council Road Meeting in February finalizing Phase 2 designs and making adjustments based on the results and lessons learned from Phase 1. As was done for Phase 1, there will be 2-Phase 2 public informational meetings held at the church March 22, 2018 and he explained the format. Construction will probably start in April and someone from the firm would be present at the monthly Council meetings with updates. He noted that in April there will be clean up on the east side of town (Phase 1), tracking any damage and any defects that occurred over the winter.

Stakhiv reported there had been a very productive meeting last Thursday with all the issues being discussed.

**VII. PUBLIC REQUESTS AND COMMENTS**

Rosemary Bayer, running for State Senate in the District 12 which includes Franklin, introduced herself. She stated that she had found the Council meeting very educational and provided personal background informational which included being a Michigan native, a technology engineer owning her own business, a member of the Birmingham Area Cable Board, and a Mom.

## **VIII. SPECIAL REPORTS**

### **A. President's Report**

Hansen spoke to the opportunity Franklin has to improve the Village downtown by planning for pedestrian access, landscaping, and lighting in conjunction with a potential Phase 3 of the Franklin Road Project. She proposed that at the planning discussions in preparation for the 2018/19 Budget Council and the public speak to these issues, including the election schedule timing, if needed. A number of funding sources may be researched, including the Bonds which had already been approved.

### **B. Council Report**

Gallasch and Gordon mentioned the necessity of knowing the filing deadlines for the elections. Gordon commented that safety walks, pathways, and lighting have been constant issues for the Village and appear to be more critical now than before. He applauded the focus on them and the importance of taking action.

There was a general discussion as to the legal ramifications needed for any proposed improvements.

Gallasch confirmed that the Civic Event Application for Groves High School Senior Skip Day had been completed as requested at last month's Council meeting, i.e., a signature had been obtained, verification that the applicant was a faculty member, and FCA's approval and written notification to the Village that it was aware of the event.

### **C. Administrator Report**

None

## **IX. NEW BUSINESS**

### **A. Consider Civic Event Permit Application for Women For Humanity Annual 5K Run/Walk on September 8, 2018**

**#2018-11 Motion by Moenck, seconded by Morrow to approve the Civic Event Application for Women For Humanity Annual 5K Run/Walk on September 8, 2018.**

**Ayes: Gallasch, Gordon, Hansen, Moenck, Morrow, Stakhiv**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

### **B. Consider Possible Meeting Dates for Scheduling Budget Planning and Finance Committee, FY2018-2019.**

Creech proposed 2018/2019 Budget meeting dates in April: Tuesday, 4/3 at 5:30 P.M. (Finance Committee); Thursday, 4/5 at 7 P.M. Special Council Mtg. (Budget Planning Session); Monday, 4/9 at 5:30 P.M. (Budget Workshop before Council Mtg.). The Monday 4/9 Regular meeting would also include scheduling the Public Hearing for the May 2018 Regular Village Council meeting.

**#2018-12 Motion by Stakhiv seconded by Moenck to Approve the dates for Budget Planning and Finance Committee for the Budget Planning for FY2018-2019 Annual Budget, as follows: Finance Committee, Tuesday, April 3, 2018 at 5:30 PM; Special Village Council, Budget Planning, Thursday, April 5, 2018 at 7:00 PM; Special Village Council Budget Workshop, Monday, April 9, 2018 at 5:30 PM; prior to the Regular Village Council meeting, April 9, 2018 at 7:00 PM.**

**Ayes: Gallasch, Gordon, Hansen, Moenck, Morrow, Stakhiv**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

Hansen reminded Council the purpose of the Special Council Meeting (4/5), similar to last year, was to invite Planning Commission, HDC, and MSF to attend and discuss their goals for the coming year. She stated that she felt that this format was very successful last year.

## **X. UNFINISHED BUSINESS**

### **A. Consideration of the Burger Barn**

Hansen reviewed last month's discussion and referred to Staran's email to Council dated March 12, 2018 concerning the different ways to proceed with this issue. She suggested that a motion be made to postpone consideration of the resolution in order to allow the Village Administration to notify the property owner and other interested parties that the Burger Barn designation may be revisited and reconsidered at the April meeting.

**#2018-13 Motion by Morrow, seconded by Gordon to waive Village Council rules of procedure in order to extend the time for moving to reconsider the failed Burger Barn historic designation ordinance to the Village Council's April regular meeting.**

**Ayes: Gallasch, Gordon, Hansen, Moenck, Morrow, Stakhiv**

**Nays: None**

**Absent: Seltzer**

**Motion carried.**

Because this motion passed, Moenck clarified that according to Staran's March 12, 2018 email, at the April meeting one of the "no" voters would need to make a motion to reconsider. Christ, Village Attorney, confirmed this.

## **XI. RESOLUTIONS/ORDINANCES**

### **A. Consider Arbor Day Resolution, for April 27, 2018.**

**#2018-14 Motion by Gordon, seconded by Stakhiv to approve the Arbor Day Proclamation as part of the annual Tree City USA application, as follows: Arbor Day observation will be April 27, 2018:**

**Ayes: Gallasch, Gordon, Hansen, Moenck, Morrow, Stakhiv**

**Absent: Seltzer**

**Nays: None**

**Motion carried.**

**XII. ADJOURNMENT**

**Motion by Stakhiv, seconded by Gordon to adjourn the meeting.**

**Ayes: Gallasch, Gordon, Hansen, Moenck, Morrow, Stakhiv**

**Absent: Seltzer**

**Nays: None**

**Motion carried.**

There being no further business, the meeting was adjourned at 9:42 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

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Eileen H. Pulker, Clerk

\_\_\_\_\_  
Pamela Hansen, President