

**PROCEEDINGS OF THE VILLAGE OF FRANKLIN
VILLAGE COUNCIL ORGANIZATION MEETING
MONDAY SEPTEMBER 29, 2009, 8:00 P.M.
FRANKLIN VILLAGE HALL – BROUGHTON HOUSE
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN**

I.

CALL TO ORDER

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

II. ROLL CALL

Present: Fred Gallasch, Brian Gettel, Alan Harnisch, Mark Jahnke, James Kochensparger, Bill Lamott, Steven Rosenthal

Also Present: Jon E. Stoppels, Administrator
Eileen Pulker, Clerk
Tom Morrow, Treasurer
John D. Staran - Hafeli Staran Hallahan & Christ, P.C., Village Attorney
Tom Biehl, Hubbell Roth and Clark, Village Engineer

III. ADOPTION OF AGENDA

Motion by Lamott supported by Harnisch to adopt the Agenda as revised.

Gallasch proposed the deletion of the building clerk appointment, to be included in the October Village Council Regular meeting and to add a Village Council liaison to the Planning Commission. Gallasch mentioned correspondence from SEMCOG requesting Village permission to access the 2008 Assessing roll available from Oakland County and it was determined that this could be better addressed at the Regular October Village Council agenda.

Kochensparger proposed a number of additions to the agenda, including: X. New Appointments by Council – P. Website Committee, Q. Negotiation Committee, R. DPW- Road Administrator Committee, with the Planning Commission liaison to be item S.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch

Nays: None

Motion carried.

IV. UNFINISHED BUSINESS

A. CONSIDER Request of City of Farmington Hills concerning *Brody v. Farmington Hills*

Staran explained the proposed request for the property located at the corner of Inkster and Thirteen Mile Roads, and introduced Steven Joppich - Farmington Hills Attorney, and Thomas Biasell, P.E. - the Director of the Farmington Hills DPW. Joppich further explained the proposed project noting that the developer has stated that he can only comply with the zoning on the property if he is allowed to attach to the Village's Pressurized Sewer system. Brody's alternate plan, which exceeded the zoning requirements, would allow for seven (7) residences to be built, and instead, citing economic reasons, proposed constructing seventeen (17) homes in a cluster development on the property; the plan for which was denied by Farmington Hills. The developer has brought suit to Farmington Hills to settle the matter, which is the reason Farmington Hills is requesting the Village's consideration on this item. Tom Biehl of Hubbell Roth and Clark was also present to address the questions and concerns of the Village Council.

Staran added that an intergovernmental agreement, upon completion, would require the approval of the Village Council, if the Council decided to agree with the proposal as presented.

Biehl noted that seven (7) additional units would not present a capacity problem in terms of the Village's Pressurized Sewer system total volume. Joppich added that this solution would be considered temporary until such time as Farmington Hills would provide sewer service to that corner and that the agreement would state that sewer service would be required to be transferred to the Farmington Hills system when it became available.

Levels of service that has been provided by Oakland County and Biehl responded that if the entire Village were to be serviced by the system, additional service would need to be purchased, but what has been purchased already will service these additional units.

The Village Master Plan guidelines were discussed, noting that the plan supports residential development on the Village's boundaries.

Morrow reviewed debt service remaining on the Village's sewer system and asked that that be considered when determining what payment would be required by those new additions to the system and also questioned whether or not ongoing maintenance and fees would be charged to those individual homeowners. Morrow added that Franklin taxpayers are already paying for the debt service through their tax bills each year; the amounts due each year are for the payment of the bonds obtained for the original installation of the pressurized sewer system Village wide. Stoppels noted that in other communities over the years, he was aware of a number of agreements that apportioned an amount equal to a debt service, to each of the affected homeowners, and he was certain that the same type of arrangement would be made in this instance. Biehl also cited instances in other communities where payments for connections fees are paid by residents for inclusion in existing systems.

Discussion ensued regarding the inclusion of payments for each of the Village consultants utilized for this review, to which Staran replied that all expenses would be provided for and that the Village would not be subsidizing any of the payments necessary for the review and completion of this project. Joppich noted that the Consent Judgment which will be the final result of the agreement presently being worked on, will be on file with the property records at Oakland County and therefore, no deed restriction would specifically be required to list the limit of seven (7) dwellings, should the property be purchased by another party later.

Judy Meade of 26725 Captains Lane questioned whether or not other people would be able to gain access to Village systems and whether or not this project would create a precedent for other connections to the Village's systems.

Staran stated that these particular facts and merits, do not preclude the approval of any other applications, and any other application would need to be examined for its own particular circumstances in terms of capacity and usage availability.

Staran noted that both the consent judgment and the intergovernmental agreement would be reviewed by Council upon their completion which would include all of the necessary details.

#2009-89 Motion by Jahnke supported by Kochensparger to resolve that the Village Council will allow up to seven (7) single-family residential units on the reference property to connect to and utilize the Village's pressure sewer located along Inkster Road, subject to 1) written verification from the Village Engineer that there is sufficient capacity available in

the Village's system for the seven additional residential units, 2) the payment of all applicable charges and fees by the property owners, and 3) the preparation and approval at a future meeting of an intergovernmental agreement for these purposes between the Village of Franklin and City of Farmington Hills.

Staran added that the agreement will include that the sufficient capacity would include the excess capacity and flow rate to accommodate this project on top of the anticipated total build out of the Village. Additional tap ins to the system would require further permitting from the Village, and should additional tap ins occur without permitting, the Village would be able to shut that down with the cooperation of the City of Farmington Hills. Stoppels noted that additional fees need to be provided for in the agreement, as the resulting consultant fees are an unbudgeted expense for the Village. Joppich stated that the intergovernmental agreement will be available at approximately the same time as the Consent Judgment, including the conservation easement as stated on the plan.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal

Nays: Gallasch

Motion carried.

V. RATIFY ELECTION RESULTS

Election Results, Village Biennial Election, September 15, 2009 (final, official):

Total Votes Cast 912

Position/Name # of Votes

Village Clerk vote for one
Eileen H. Pulker 679 (elected)

Village Council Trustee vote for three
Brian C. Gettel 352 (elected)
Pamela Hansen 323
Dayle Ellen Hoffecker 350
James J. Kochensparger 462 (elected)
Steven Rosenthal 366 (elected)
Amie R. Saltzman 260
Dominick J. Schiano 329

Library Board Member vote for three
Laura T. Couger 573 (elected)
Julie Douse-Angileri 558 (elected)
Maria Seyrig 511 (elected)

Library Board Member (partial term) vote for one
Pamela Hackert 22 (elected)

Safety Path Bond Proposal

YES 268

NO 633

#2009-90 Motion by Gettel supported by Rosenthal to ratify the election results as provided.

**Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch
Nays: None
Motion carried.**

Staran was excused.

VI. ADOPTION OF COUNCIL RULES OF PROCEDURE

#2009-91 Motion by Jahnke supported by Harnisch to approve the Rules of Procedure/Conduct as presented (dated March 23, 1998).

**Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch
Nays: None
Motion carried.**

VII. ELECTION OF PRESIDENT PRO TEMPORE

#2009-92 Motion by Gettel supported by Kochensparger to approve the appointment of Mark Jahnke as President Pro Tem.

**Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch
Nays: None
Motion carried.**

VIII. BANK RESOLUTIONS

This item was postponed until later in the agenda to allow for the appointments of the Treasurer and Deputy Treasurer.

IX. APPOINTMENTS BY VILLAGE PRESIDENT

A. Building Official

#2009-93 Motion by Rosenthal supported by Lamott to approve the appointment of Bill Dinnan as the Building Official for the Village of Franklin as outlined in the contract currently in force with the Village.

The terms of the building official's contract were discussed and it was determined that the contract would be reviewed by the personnel committee and Stoppels noted that it was due to be reviewed before the next budget is developed.

**Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch
Nays: None
Motion carried.**

B. Building Inspectors

- 1. Building**
- 2. Electrical**
- 3. Mechanical & Plumbing**

C. Building Clerk

D. Fire Chief/Inspector

#2009-94 Motion by Gettel supported by Lamott to ratify the Village President's appointment of the: Building Inspector Bill Dinnan; Electrical Inspector Ronald Shelton;

**Mechanical & Plumbing Inspector Bill Dicks; the Building Clerk Angie Wicke (new clerk);
the Fire Chief/ Inspector Tony Averbuch.**

The contracts and/or agreements for each of these appointees were discussed. Stoppels noted that the Building official is the only one of this group that has an actual contract, which he had already stated is due for review before the next budget is developed.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch

Nays: None

Motion carried.

X. APPOINTMENTS BY COUNCIL

A. Village Treasurer

**#2009-95 Motion by Harnisch supported by Kochensparger to appoint Thomas Morrow as
the Treasurer for the Village of Franklin.**

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch

Nays: None

Motion carried.

B. Village Deputy Treasurer

**#2009-96 Motion by Lamott supported by Harnisch to appoint Lew Eads as the Deputy
Village Treasurer and Comerica Bank (hereinafter referred to as the "Bank") be it hereby
designated as a depository of the Village Franklin and authorized to accept for its credit
and/or for collection, any and all checks, drafts and other negotiable instruments when
endorsed in its name by rubber stamp or otherwise and, that its treasurer be and as he is
authorized to open with the bank such accounts under such captions as may determine to be
necessary of desirable and, that any and all funds credited to such accounts with the bank
may be paid out or withdrawn upon by the following:**

Thomas Morrow, Treasurer

E. Lewis Eads, Deputy Treasurer

Jon Stoppels, Administrator

**Whose signatures shall be duly certified to the bank and the bank hereby is authorized to
honor and pay any and all checks so signed, without inquiry as the circumstances of issue or
the disposition of the proceeds thereof and with the transfer of funds from savings to
checking accounts, any two signatories among the mentioned individuals; and Eileen
Pulker, the Village Clerk shall act for that purpose. Those banks with which the Village of
Franklin has accounts are: Comerica Bank, LaSalle Bank, National City Bank, U.S. Bank**

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch

Nays: None

Motion carried.

C. Village Attorneys

**#2009-97 Motion by Harnisch supported by Lamott to appoint John Staran of Hafili
Staran Hallahan & Christ , P.C. as Village Attorney.**

While no formal contract exists, the reasonable rates and good service provided were discussed.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch

Nays: None

Motion carried.

#2009-98 Motion by Harnisch supported by Jahnke to appoint Allen Glass of Reifman and Glass as the Prosecutorial Attorney for the Village.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch

Nays: None

Motion carried.

D. Village Auditors

#2009-99 Motion by Jahnke supported by Lamott to appoint John Foster of Janz & Knight as the Auditors of the Village of Franklin.

This fiscal year audit and the next two are covered by a recently approved contract, with little increase over previous years' service.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch

Nays: None

Motion carried.

E. Village Engineers

#2009-100 Motion by Harnisch supported by Lamott to appoint Thomas Biehl of Hubbell, Roth and Clark as the Village Engineers.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch

Nays: None

Motion carried.

F. Council Liaison to Fire Commission

#2009-101 Motion by Kochensparger supported by Gettel to appoint President Fred Gallasch as the Council Liaison to the Franklin/Bingham Farms Fire Commission.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch

Nays: None

Motion carried.

G. Village Legal Liaison Committee

#2009-102 Motion by Jahnke supported by Gettel to appoint President Gallasch, Trustees Gettel, Kochensparger, and Rosenthal to serve as the Legal Liaison Committee.

Gallasch commented that the rotating schedule that had been in place for the last several years had worked well and actually aided accommodating individual schedules.

Ayes: Gettel, Jahnke, Kochensparger, Rosenthal

Nays: Harnisch, Lamott, Gallasch

Motion carried.

H. Village Finance Committee

#2009-103 Motion by Jahnke supported by Rosenthal to appoint Treasurer Morrow, President Gallasch, Trustees Jahnke and Gettel, and including Treasurer Tom Morrow, as the Finance Committee.

Ayes: Gettel, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch
Nays: Harnisch
Motion carried.

Morrow was excused.

I. Village Liquor Control Committee

#2009-104 Motion by Gettel supported by Rosenthal to appoint President Gallasch, and Trustees ~~Harnisch and Jahnke~~ to the Village Liquor Control Committee.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch
Nays: None
Motion carried.

J. Village Personnel Committee

#2009-105 Motion by Gettel supported by Kochensparger to appoint Trustees Jahnke, Kochensparger and Rosenthal to the Personnel Committee,

Ayes: Gettel, Jahnke, Kochensparger, Rosenthal
Nays: Harnisch, Lamott, Gallasch
Motion carried.

K. Village Wireless Telecommunications Committee

No appointments were made to this committee at this time.

L. Village Administrator Appointed as Liaison to All Village Commissions and Committees

#2009-106 Motion by Gettel supported by Lamott to appoint Jon Stoppels as the Liaison to all Village Commissions and Committees, except that Bill Dinnan, Building Official is to facilitate with the Historic District Commission and Zoning Board of Appeals as necessary.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch
Nays: None
Motion carried.

M. Village Representative to the Birmingham Cablecasting Board

#2009-107 Motion by Kochensparger supported by Jahnke to appoint Lew Eads as the Village Representative to the Birmingham Cablecasting Board.

Gallasch noted that this was particularly appropriate due to Eads' experience in the media industry.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch
Nays: None
Motion carried.

N. Construction Board of Appeals and Fire Board of Appeals

#2009-108 Motion by Jahnke supported by Rosenthal to appoint to the Construction Board of Appeals with the current members to continue in their role, Betty Lee Hepworth, Robert Honja, Jordan London, Mickey Nemer, and Robert Stine to the Village Construction Board of Appeals, until such time as new appointments are designated, and the Fire Board of Appeals to be those listed along with Fireman Pete Kelly.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch
Nays: None
Motion carried.

O. Village Administrator Appointed as Road Administrator

#2009-109 Motion by Gettel supported by Kochensparger to appoint Jon Stoppels, Village Administrator as the Road Administrator.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch
Nays: None
Motion carried.

P. Website Committee

#2009-110 Motion by Kochensparger supported by Jahnke to create a Website Committee and appoint Trustees Kochensparger and Gettel to the Website Committee, with a third member to be appointed at a later date.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch
Nays: None
Motion carried.

Q. Negotiating Committee

Gallasch commented that this committee would not need to be named for another two (2) years or more, as the Police Contract has already been signed for the next three (3) years.

R. DPW – Road Administration Committee

#2009-111 Motion by Kochensparger supported by Gettel to appoint President Gallasch, Trustees Lamott and Kochensparger to the DPW – Road Administration Committee, with Jon Stoppels as an ex officio member of the committee.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch
Nays: None
Motion carried.

S. Village Council Liaison to the Planning Commission

Postpone this item to the October Regular Village Council Meeting to be held on October 12, 2009.

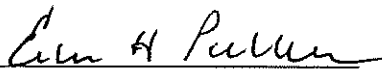
XI. ADJOURNMENT

Motion by Lamott supported by Gettel to adjourn the meeting.

Ayes: Gettel, Harnisch, Jahnke, Kochensparger, Lamott, Rosenthal, Gallasch
Nays: None
Motion carried.

There being no further business, the meeting was adjourned at 9:44 p.m.

Respectfully submitted,



Eileen H. Pulker, Clerk

H. Frederick Gallasch, President