

Draft: February 26, 2009

Village of Bingham Farms
Council Meeting
February 23, 2009

Approved: March 23, 2009

The regular meeting of the Village Council was called to order by President Pro-Tem Leckie at 8:00 p.m.

Present: Freeman, Gollnitz, Kesley & Leckie

Absent: Ettenson & Tripp

Also Present: Police Chief Browne, Fire Chief Averbach, Dr. Dodman (23033 Bristol Ct.), Hagaman, Ludwick & McDermott

Agenda

Motion by Gollnitz, second by Kesley to approve the agenda as submitted.

Motion carried.

Minutes

Motion by Gollnitz, second by Kesley to approve the meeting minutes of January 26, 2009 as submitted.

Motion carried.

Public Comments not listed on the agenda

County Commissioner Marcia Gershenson summarized the fiscal situation of the County. There is a \$17 Million deficit which will impact some programs. The County has instituted a hiring freeze as one measure to balance the budget. In order to save certain programs, some local municipalities are resorting to fundraising.

Representative Chuck Moss stated that the State's situation changes daily. He summarized the financial scenario in Lansing. There is discussion of using some of the stimulus money to help balance the budget. He is strongly opposed to this. With the economic forecasts, funding for Medicare, as we know it today, will be strained. He commented on the problems municipalities are having as a result of reduced state funding and the hardship on taxpayers who are seeing their property values decrease and taxes increase.

Hy Safran, Congressional Liaison for Gary C. Peters, introduced himself and offered his assistance where needed.

Public Hearing – Grass Mowing

The Public Hearing was opened at 8:12 p.m.

Clerk Hagaman addressed the issue of unpaid invoices for grass mowing. Prior to placing the amount on the property owner's tax bill, the Village must provide the impacted party an opportunity to appeal the charges. There is one unpaid invoice. Correspondence has been sent to the property owner but to date, there has been no resolution.

The property owner purchased the home in a foreclosure procedure. While the costs were incurred prior to the purchase, the invoice is on the property. If the invoice is not paid by May 1, the Village has the authority to place the unpaid amount on the tax bill.

There were no comments from the public.

The public hearing was closed at 8:14 p.m.

Police Chief

Police Chief Browne briefed Council on activity during the month.

There was a residential break-in in Beverly Hills. The house had an alarm and it did go off. However the robbers were able to walk off with a TV. A resident provided police with a description of the robbers and a description of the vehicle.

In response to a question about what information is available to residents to better protect their homes, the Chief indicated there are pamphlets at the police department that are available to residents.

Fire Chief

Chief Averbuch referred to his written report.

This year, the Fire Department has had 30% more runs. The overnight coverage is easing the response situation.

A draft budget has been prepared. The Fire Commission will take action on it in March and then it will be forwarded to Bingham Farms.

Chief Averbuch announced that the Department was awarded a small grant from the Birmingham Area Cable Board to offset their internet costs.

Bids are being requested for the new turn out gear. A FEMA grant will cover the cost of the gear.

Dr. Dodman questioned whether residents can burn leaves? Clerk Hagaman stated that burning of leaves is allowed, but there are regulations in the Village ordinance that are to be followed.

RESOLUTION 2009-01 OFFERED BY GOLLNITZ, SUPPORTED BY LECKIE to recognize and acknowledge the contributions and efforts made by Chief Anthony Averbuch of the Franklin Bingham Fire Dept.

AYES: Kesley, Gollnitz, Freeman & Leckie

NAYES: None

ABSENT: Ettenson & Tripp

RESOLUTION ADOPTED 4-0

A complete copy of the Resolution is attached to the original minutes.

Term Limits

Last month, Council requested that the Clerk research the recommendation from a resident to institute term limits for the volunteer boards. The premise was that this would create an opportunity for other residents to participate. Beverly Hills, Franklin, Southfield, Birmingham and Bloomfield Township were contacted; none of them have term limits.

Dr. Dodman stated that as a fairly new resident, she was looking for an opportunity to serve.

Discussion ensued. One of the problems the Village has is that not many residents have responded to requests for applications. This is not just a problem in Bingham Farms, but larger municipalities have a similar problem attracting volunteers.

In response to a suggestion from Dr. Dodman, an article will be in the next Village newsletter providing information on what the various volunteer boards do and what type of background is needed to be appointed.

President Resignation

President ProTem Leckie referred to the resignation letter received from President Bauer citing health issues that prevent her from attending the meetings on a regular basis.

Motion by Kesley, second by Gollnitz to accept the resignation of President Mary Jane Bauer. Motion carried.

The Clerk informed Council of the procedure to appoint a new President to fill the unexpired term. Mrs. Bauer's term was set to expire September 2009. Per the Village Charter, the Council must fill the vacancy within 30 days.

The trustees wished Mary Jane well and hoped her health issues are quickly resolved. Mr. Wolfe thanked the council on Mary Jane's behalf.

Electronic Transaction Authorizations

RESOLUTION 2009-02 OFFERED BY GOLLNITZ, SUPPORTED BY LECKIE, to approve ACH payments to specific payees per MCL 124.301 through 124.305, resolution to authorize electronic transactions with certain payees, as required, and to accept the written ACH policy as drafted by Village attorney. The original resolution is attached to the original minutes.

AYES: Kesley, Gollnitz, Freeman & Leckie

NAYES: None

ABSENT: Ettenson & Tripp

RESOLUTION ADOPTED 4-0

Fence Request – 32883 Bingham Lane

Clerk Hagaman addressed the request for a fence at the referenced address. The property owner is close to completion on the new house. The approved site plan shows the pool. Council needs to act on the fencing. In reviewing the plan, the fence meets the Village Ordinance. However, the plan shows the pool equipment located outside the fence which encroaches into the rear yard setback.

Additionally, the property is subject to deed restrictions. Those restrictions require fencing to be approved by the Home Owners Association. The Patton's have not yet submitted the fencing plans. The President of the Association has asked that Council either defer approval until the Association has approved the plans or at least advise the property owner of the requirement. The Village has no authority to uphold the deed restrictions.

Motion by Freeman, second by Gollnitz to approve the fence as detailed on the plans submitted, conditioned on the fact the fencing meets State regulations with the stipulation that the pool equipment be relocated so it does not encroach on the rear yard setback. Motion carried.

Treasurer's Report

The General Fund balance for January 2009 was \$2,740,350.14, with income for the month of \$10,829.60 against expenditures of \$120,440.85. The Gas & Weight Fund balance was \$499,242.58, with income for the month of \$5,255.22 against expenditures of \$35,749.40.

Motion by Gollnitz, second by Kesley, to accept the January 2009 Financial Statements as presented.

Motion carried.

The Bills to be paid for February 2009 were in the following amounts: General Fund, \$122,293.00, and Gas & Weight Fund, \$15,814.18.

Motion by Freeman, second by Gollnitz to approve payment of the February 2009 bills as presented.

Motion carried.

Monies will be drawn from the pool funds to meet February expenditures.

Treasurer's Memo attached to original minutes.

Clerk's Report

Clerk Hagaman is working with Beverly Hills to expand the current Agreement to cover plan review for new homes and approving the as-builts. AEW's costs for these services have escalated to the level where it is burdensome to the property owner.

A grant application was submitted to the ARC. A decision is expected this week.

Notification of awards for the DTE Tree Grant is expected in early March.

Oakland County has scheduled work to line the sewer pipes in the Village to protect the lines against sulfide residue. They anticipate receiving grant funding to cover some of the cost.

There is no resolution over the MDEQ's new storm water permit requirements.

Trustee Reports/Comments - None

Old Business - None

New Business - None

There being no further business to conduct, the meeting was adjourned at 9:09 p.m.