

Present: President Koss; President Pro-Tem Briggs; Members: LaFerriere, Mercer, Mooney and Oen

Absent: Prew

Also Present: Manager, Wilson
Village Attorney, Ryan
Director of Public Safety, Woodard

President Koss called the regular Council meeting to order at 6:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

Motion by Mooney, second by Oen, to adjourn to closed session to discuss collective bargaining.

Roll Call Vote:
Motion passed (5 – 0).

Mercer entered the meeting at 6:35 p.m.

Motion by Mooney, second by Oen, to return to open session at 7:33 p.m.
Motion passed (6 – 0).

President Koss reconvened the Council meeting at 7:33 p.m. The Pledge of Allegiance was recited by those in attendance.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Oen, second by Mooney, to approve the agenda as published.

Motion passed (6 – 0).

COMMUNITY ANNOUNCEMENTS

Doug Koschik, Director of the Baldwin Public Library, was present to speak about a development at the Bloomfield Township Public Library (BTPL) that would limit the use of that library. Beverly Hills contracts with Baldwin for library services. That arrangement has encompassed Beverly Hills residents' access to a number of other libraries in the library cooperative including the Bloomfield Township Library. Koschik indicated that he is aware of a Bloomfield Township proposal to rescind reciprocal privileges.

Koschik said that Bloomfield Township is aggrieved that a number of people outside of their community are using the new library facility. They believe that Bloomfield Township residents do not make comparable use of other libraries in the area. Under their proposal, the BTPL would allow people from Birmingham to check out materials, but not Beverly Hills or Bingham Farms residents. The BTPL Board is scheduled to meet on Tuesday, April 26 to hear comments on this proposal. Koschik asked if a couple of individuals from Beverly Hills would attend with him to speak at that meeting.

Koschik distributed a fact sheet to Council comparing usage between the Baldwin and the Bloomfield Township Library. Beverly Hills residents use Baldwin Library quite a bit more than the Bloomfield Township Library. Bloomfield Township residents checked out 45,655 items from Baldwin, accounting for 6.1% of the total circulation. Baldwin service area residents checked out 51,300 items from BTPL, accounting for 5.7% of the total circulation. The figures confirm that the relationship between the Baldwin and Bloomfield Township libraries is an example of reciprocity. Both sides benefit from sharing library service.

Koschik hopes to dissuade the Bloomfield Township Library Board from taking action to rescind reciprocal privileges. Council President Pro-Tem Briggs and President Koss will attend the April 26, 2011 BTPL Board meeting in support of the Baldwin Library Director's position.

CONSENT AGENDA

Motion by Mooney, second by Mercer, to approve the consent agenda as published.

- a. Consider approval of minutes of a regular Council meeting held April 5, 2011.
- b. Review and file bills recapped as of Monday, April 11, 2011.
- c. Accept donation from Beverly Hills Little League for installation of north diamond bullpen and fence capping on both diamonds at Beverly Park.

Motion passed (6 – 0).

BUSINESS AGENDA

REVIEW AND CONSIDER REQUEST FROM THE BEVERLY HILLS LIONS CLUB FOR USE OF VILLAGE STREETS ON MONDAY, MAY 30, 2011 FOR THE 29th ANNUAL FUN RUN/WALK

Motion by Mooney, second by Oen, that the Village Council approve the request of the Beverly Hills Lions Club to use Village streets and sidewalks for its 29th Annual Fun Run/Walk to be held on Monday, May 30, 2011 subject to the Village Attorney's approval of the certificate of insurance naming the Village as an additional insured.

Motion passed (6 – 0).

SECOND ANNOUNCEMENT OF VACANCY ON THE PLANNING BOARD

Oen made the second announcement of a vacancy on the Village Planning Board due to the resignation of Bruce Wayne, whose term was to expire on June 30, 2013. The deadline for submitting applications for this position is Friday, April 22, 2011 at 4:30 p.m. Applications are available at the Village offices or on the Beverly Hills website. A subcommittee consisting of Oen as chair, LaFerriere and Mercer will meet on Tuesday, May 3, 2011 at 7:15 p.m. to consider the candidates and recommend an appointment to fill the vacancy.

REVIEW AND CONSIDER CONTRACT WITH PUBLIC SAFETY GRANT WRITER

At its March 15 and April 5 meetings, Council has considered a proposed contract for grant writing assistance for the remainder of FY 2010/11 and for the 2011/12 budget period. Council approved an initial \$2,500 expenditure from the current budget on March 15 but requested

further detail before considering the remaining \$5,000 fee requested. The matter was tabled at the April 5, 2011 Council meeting.

Briggs related that he has had conversations with Linda Davis Kirksey, who will be the principal grant writer for the Public Safety Department. He has reviewed the contract revisions and finds them acceptable. The resulting grant services contract is before Council for consideration.

Motion by Briggs, second by Oen, that the Beverly Hills Village Council approve the grant services contract with Davis Kirksey Associates of Rochester Hills, Michigan in an amount not to exceed \$5,000. There are funds available for this expenditure in Account #101-345-831, Miscellaneous Professional Services.

Mercer suggested that Council receive a report back from Davis Kirksey Associates over time. LaFerriere asked to formalize the reports to receive a review on June 30, 2011 and on December 31, 2011. There was agreement from Linda Davis Kirksey.

Roll Call Vote:
Motion passed (6 – 0).

REVIEW AND CONSIDER DISABILITY RETIREMENT FOR PSO SONIA KOENIG

Wilson stated that Sonia Koenig has been a 24-year veteran of the Department of Public Safety. Due to an on-duty injury in August of 2008, she is unable to return to unrestricted duties with the department. Wilson outlined the progression of events including a period of restricted duty allowed by contract, filing of a grievance, and an arbitrator's decision that led Ms. Koenig to seek a medical retirement. In accordance with the Village ordinance, the opinion of three doctors was sought, all of which signed off as to Ms. Koenig's condition of being disabled to the point of not being able to return to service.

The Retirement Board convened last week to consider this matter and voted unanimously to recommend approval of a Duty Disability Retirement for Public Safety Officer Sonia Koenig.

Motion by Mercer, second by Mooney, that the Beverly Hills Village Council approve the disability retirement from the Department of Public Safety of Sonia Koenig effective April 19, 2011 pursuant to Village Ordinance 3.08(s) et seq; further, that Village Council authorize Gabriel, Roeder, Smith & Company to calculate her benefits and Comerica Bank to disburse those benefits.

Bob Walsh of Smallwood Court suggested that there was limited information on this disability retirement. He questioned how the employee was paid since her injury in August of 2008. Walsh asked if Council would be taking further action to consider the calculations attained by the actuarial firm before payment is initiated.

Attorney Ryan stated that Council's action terminates Sonia Koenig's relationship as an employee with the Village. The motion says that Council authorizes Gabriel, Roeder, Smith & Company to calculate her pension benefits and Comerica Bank to disburse those benefits. The actuarial firm will apply the relevant information and make a determination of benefits received.

Pam Rijnovean of 32420 Evergreen said that she was liaison to Public Safety during her tenure on the Village Council. She related background information on Officer Koenig's injury including her placement on light duty status, her disability status, percentage of salary payment by the insurance company and the Village, and resulting overtime costs. Rijnovean stated that Koenig received a Master's Degree in counseling and formed a company. She accused Koenig of violating workers' compensation regulations by not reporting outside earnings while receiving workers' compensation.

Manager Wilson addressed allegations of impropriety on the part of Mrs. Koenig in terms of her employment while on disability. He has investigated those claims and found them to be without merit. Ms. Koenig is certified as a counselor. Koenig has not been working; she has maintained her certification with a corporation. Wilson applauded Koenig for the time she put into the Village and for whatever job she has in the future. He does not normally discuss employee disability situations, but the allegations to defraud workers' compensation or the Village of Beverly Hills are untrue.

Council members thanked Sonia Koenig for her years of service.

Roll Call Vote:

Motion passed (6 – 0).

DISCUSSION ITEM: 9-1-1 CALL FROM 31381 KENNOWAY COURT

Mooney prefaced this discussion item with background on Council's experience with a group of people who oppose actions and initiatives of current and past councils. Mooney maintained that people should be able to challenge and question their public officials. However, there is a fringe group of residents who present and distribute falsehoods to the general public as if they were factual. This is something that every local governing body deals with at times. Mooney said that he finds this disheartening.

Mooney stated that a resident in attendance at the April 5, 2011 Council meeting came to the podium and criticized the Beverly Hills dispatchers. Kathleen Berwick, resident and member of the Village Zoning Board of Appeals, said that she made a 9-1-1 emergency call to the Public Safety Department to report an alarm sounding at a neighbor's house. Berwick related that the dispatcher responded by saying, "what do you want me to do about it?"

Mooney asked Director Woodard to play the recording of the call made to the Public Safety Department dispatcher by Mrs. Berwick in November of 2008. The dispatcher did not make the statement reported by Berwick. Dispatcher Rollins asked Berwick questions as to whether she had seen anything suspicious in the neighborhood and told her that an officer would be sent to check the area. Mooney concluded that Mrs. Berwick's statement regarding what was said by the dispatcher was unfortunate and false.

PUBLIC COMMENTS

Greg Kessler of 18345 Beverly Road talked about the Public Safety Department arbitration award, which is a big factor in Village finances. He referred to what he believed to be a high benefit and pay package offered by the Beverly Hills Public Safety Department. Kessler viewed

this as a failure of Council and of municipal government not to negotiate better. He questioned how much the recent arbitration award would save the community.

Wilson responded that the arbitration package will save the Village more than \$190,000 in Public Safety Officer expenses for this year as a result of current concessions, not taking into account actuarial benefits that will be received based on long-term savings. Further, this does not factor in awards that may be received during Command or Dispatch union arbitration.

Bob Walsh on Smallwood Court referred to the discussion regarding the disability retirement approved by Council earlier in the meeting. He did not believe that this matter was discussed at previous Council meetings.

John McGrath on Beverly Road followed up on items discussed at the last Council meeting regarding Public Safety Department staffing. Koss clarified that the millage election contemplated maintaining the current public safety staffing level, which was 23 sworn officers. The officer who was retired this evening will be replaced; staffing will remain at 23 officers at this time. Questions from McGrath on the disability retirement were addressed by Council.

Koss suggested that Council invite labor attorney Dennis Dubay to attend an upcoming Council meeting to make a presentation on the recent arbitration award for the benefit of interested residents.

REPORTS – MANAGER

Wilson reported on additional contacts he has had with the City of Royal Oak about the potential for sharing Building Department services. The Director of their Building Department indicated that Royal Oak remains interested and would be willing to consider a proposal for sharing services as soon as July of this year. Wilson outlined preliminary discussions. Royal Oak officials will put together a document detailing the parameters of a potential agreement. Wilson will keep Council informed on the progress of these discussions. Wilson said he would approach other communities that would be willing to consider a similar proposal to be certain of receiving a market competitive rate.

Verizon has been in contact with the Village and SOCWA (Southeast Oakland County Water Authority) about replacing some of their equipment located at the SOCWA water tower along 14 Mile Road. Verizon is the only provider located on the site whose equipment is not housed in a building. Because SOCWA owns the property, Verizon was advised that it needs SOCWA approval before the Village will consider a site plan to upgrade the property. Wilson noted that there was some level of controversy the last time an equipment building was proposed on the property.

Verizon is interested in replacing the equipment in metal cabinets with a brick shelter similar to the other two structures currently on the property. The SOCWA Board reviewed the plan and considered it to be an improvement to the site. The Verizon site plan has not yet been submitted to the Village. Wilson informed Council that SOCWA is amenable to a contract amendment with Verizon contingent upon the company receiving approval from the Village of Beverly Hills.

Wilson received notification today from the realtor handling the property along 14 Mile on Blossom Court that a contract was approved for demolition of the fire damaged house. That work will begin some time in the next week weather permitting.

The Village has been contacted by a company that is interested in doing an employee appreciation event. This company negotiates with facilities throughout southeast Michigan to offer discounted packages to groups of employees for entertainment, lodging, and other services. There is no obligation on the part of the Village or the employees. The package will be extended to volunteers who serve on Village boards and commissions.

COMMENTS ON PUBLIC SAFETY DEPARTMENT ANNUAL REPORT

At the request of a Council member, Director Woodard presented an overview of the 2010 Group A Index Crime statistics included in the Public Safety Department Annual Report. He addressed how residents could help prevent property crimes. The Annual Report is available for public review at the Public Safety Department building.

REPORTS – COUNCIL

Several Council members revisited the topic of the recent PSO arbitration award. There was agreement that a public presentation on the arbitration award by the Village labor attorney at a future Council meeting would be beneficial to the understanding of the public.

Mercer mentioned an ongoing DTE program to replace meters. Wilson remarked that Bloomfield Community Television has a public education video on the meter changeover program. He will request that BCTV broadcast this informative program on the municipal channel with some regularity.

Mercer commented favorably on the budget study session last night, April 18. He commented on the meaning of a disability retirement.

As Council liaison, LaFerriere reported on the Zoning Board of Appeals meeting held on April 11. The May meeting of the Zoning Board has been canceled due to lack of business.

Oen commented on the positive aspects of engaging a professional grant writer to assist the Public Safety Department in its attempts to secure major grants. He mentioned that the Village did send an employee to grant writing classes. This individual has obtained grants including trees for the park, and she regularly searches for available grants that the Village would qualify to receive. The employee is not trained to write grants for fire equipment.

Oen thanked Sonia Koenig for her 24 years of service to the Village Public Safety Department. He commented on Council's efforts to make decisions in the best interest of the community and to engage and educate the public.

Mooney reported that the Easter Egg Hunt held in Beverly Park last Saturday was successful. He thanked Kensington Church for their efforts.

Mooney commented on the value and quality of the Village's Public Safety Department officers, who are certified as police, fire and first responders in medical emergencies. He affirmed that the goal of the millage election was not to lower the salaries of the PSOs but to obtain concessions from the public safety officers unions. Mooney made reference to the people who attack the public safety department, Council, and administration and will do and say anything to disparage the government of the Village.

Mooney commended Sonia Koenig for being an outstanding member of the Public Safety Department. Her injury on the job is a matter of public record. The payment of workers compensation and her retirement were all executed within the parameters of the contract in which her union and the Village were signatories.

Briggs reported on Baldwin Library Board meetings and upcoming library events. The Library Board will meet tomorrow, April 20, at 7:30 p.m. The Bloomfield Township Library Board will meet on Tuesday, April 26 to discuss the status of reciprocal services. The Friends of the Baldwin Public Library Book Sale will be held on May 6-9. There will be a session geared towards grades 6-12 on "What Not to Eat" on May 12 from 7:30-9:30 p.m. at the Baldwin Library.

Koss remarked that it is difficult to remain composed when the people sitting at the Council table are being criticized and berated for trying to do the best job that they can to govern the Village. Council members serve because they care about the community and are working for the betterment of the Village.

Motion by Oen, second by Mercer, to adjourn the meeting at 9:27 p.m.

Motion passed (6 – 0).

Rosanne Koss
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary