

**Minutes, Paw Paw Village Council
Regular Meeting, July 23, 2007**

1. The regular Village Council meeting of Monday, July 23, 2007, convened at 7:30 p.m. at 111 E. Michigan Avenue, Paw Paw, Michigan. President Plaszcak presiding.

Meeting Convened

2. Present: Plaszcak, Richardson, Basinger, Rohr, Larcinese, Wilhelmi and McIntosh. Also present: Village Clerk Christopher Tapper, Department of Public Services Director John Small and Chief Police/Interim Village Manager Patrick Alspaugh.

Members Present

3. Others present: Eric Rottman, Debra Klinger and Raymond Houck.

4. Motion by Rohr, supported by Richardson, to approve the corrected July 9, 2007 minutes of the regular meeting. All members present voting yes, McIntosh abstaining, motion carried.

Approved Minutes

5. Motion by Larcinese, supported by Wilhelmi, to approve accounts payable for \$ 404,791.16 as presented. All members present voting yes, motion carried.

Accounts Payable

6. Raymond Houck of 625 Hillcrest Drive gave a presentation with pictures to the Council in regards to semi-truck traffic and parking on Hillcrest Drive. Houck commented he was concerned about the road damage and noise. Houck stated he was not sure of an ordinance but wanted the Council to advise him of a solution. Houck expressed he was not able to use the front part of his property due to the constant noise and odor coming from the semi-truck which run 8 to 10 hours a day.

**Public Comment
Houck Truck
Parking Problem**

7. Richardson referred to a sign on Cedar Street, stating vehicle weight limit of 7,000 pounds. Richardson questioned why would one street have a sign but not another. Richardson also commented that he had witnessed the truck in question.

8. Larcinese questioned what type of truck it was? Houck responded that it was an asphalt truck. Larcinese also questioned if the driver of the truck was also the owner. Houck stated yes and he also allows children to play in the truck, which also concerned him. Larcinese thanked Houck for the pictures.

9. Richardson commented Hillcrest Drive was scheduled for repaving soon and questioned whether the repaving would be worth the time if the semi-trucks continued traveling the road.

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Small agreed with Richardson and stated that the repaving was scheduled for next week.

10. McIntosh asked if someone had looked up the ordinance.
11. Plaszczak stated he felt Houck had a genuine problem. Plaszczak reminded the Council he had presented this problem back in April 2007. Plaszczak stated he had sent the concerns to the Planning Commission for review of the ordinance. Plaszczak also stated the Planning Commission reported no changes in the ordinance because of concern with employment of the truck driver and they didn't feel it was to be regulated by the Planning Commission
12. Larcinese stated it was not a zoning ordinance issue. It was more of a noise and weight issue, unless it is a home business.
13. Plaszczak commented he researched and could not find a specific ordinance that would help Houck. Alspaugh added that he and Plaszczak contacted the Van Buren County Road Commission for possible weighting of the vehicle, but due to the cost did not proceed.
14. Plaszczak concluded unless the truck is parked on a public road, there was not an ordinance against parking on private property. Plaszczak added the staff would check with the County to see what laws they might have. Plaszczak commented he had also witnessed the semi-truck and asphalt truck in question.
15. Plaszczak suggested to Houck if and when the truck is parked on public streets contact the police. Houck responded he did not want to call because of caller id. Houck felt once his name was identified by the truck owner in question the issue would only get worst.
16. McIntosh suggested to Houck he could contact a Council member and they would contact the police. Houck responded he still felt uncomfortable with the solution.
17. Richardson again commented about the sign posted on Cedar Street, no vehicle over weight limit of 7,000 pounds. Larcinese questioned if the sign had something to do with the school being on Cedar Street.
18. McIntosh again questioned the ordinance. McIntosh stated she

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had remembered a similar matter on Niles Street years ago and questioned how the matter got resolved. McIntosh remarked if the Council could not find an ordinance one needed to be developed.

19. Plaszczak responded the Council would need to look at weight, noise and odor to develop such an ordinance. Larcinese commented the Council would have a difficult time developing such an ordinance. Alspaugh agreed with Larcinese in the fact of trying to enforce the ordinance. Larcinese suggested to the Council to do more research in possibly getting the Van Buren County Road Commission involved.
20. McIntosh responded the Council needed to look at why on Cedar Street there is a sign stating weight restrictions. If there is an ordinance then the sign needed to be posted on all streets. Plaszczak commented that Alspaugh and he had looked for the ordinance but one could not be found on record. McIntosh continued if one could not be found then the Council would need to develop one to help Houck and other residents. McIntosh suggested Plaszczak, Alspaugh, Small and the Village Attorney develop language for an ordinance.
21. Plaszczak responded he agreed with Larcinese, the Council would have a difficult time with the noise factor. Larcinese commented noise was a separate issue and he had helped townships with noise ordinances. Larcinese stated the Council could help Houck with this matter, but the noise factor would be complex with developing an ordinance. Wilhelmi stated he thought there was an ordinance about leaving a vehicle running for more than two hours.
22. The Council thanked Houck for bringing this matter to the Council. The Council consensus was to work on developing an ordinance on weight restriction and in the future Houck could contact one of the Council members when the truck is parked on public streets.
23. Larcinese commented on the odor and noise complaint. Larcinese question if the Village had an odor ordinance. Larcinese stated that under the State Clean Air Act the Council could move forward using language from the act to develop an ordinance.
24. Plaszczak commented he would request the Planning Commission to develop an ordinance to address the weight,

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noise and odor of semi-trucks on public streets in the village.

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| 25. Plaszcak informed the Council he had a meeting schedule with Attorney Page on Thursday to review his comments on the dress code policy and the ordinance codification. | Attorney Page Update |
| 26. Motion by Rohr, supported by Larcinese, to appoint Gerald Schur as the employee delegate and Trace Kirvan as the alternate employee delegate to serve at the 2007 MERS annual meeting. All members present voting yes, motion carried. | MERS annual Meeting |
| 27. Motion by Richardson, supported by McIntosh, to authorize staff to allow Emergency Vehicle Products to install the new equipment and put graphics on the 2007 Impala patrol car for a not to exceed price of \$6,769.25. Alspaugh commented due to the price of the vehicle being under budget the balance of the funds were being used on new equipment and graphics for the vehicle. McIntosh asked if bids were sent out to local vendors. Alspaugh commented that local bids were only for lettering and not graphics and equipment. All members present voting yes, motion carried. | Emergency Vehicle Products-Patrol Car Completion |
| 28. Motion by McIntosh, supported by Larcinese, to adopt the Village Resolution for ACH and Electronic Transactions. All members present voting yes, motion carried. | Village Resolution for ACH |
| 29. Motion by Basinger, supported by Richardson, to approve the Village policy for ACH and Electronic Transactions as presented and recommended by the Village auditors. Rohr commented if the Finance Administrator was handling the transactions then who would be checking the Finance Administrator. Tapper responded that he would question Riley in regards to the policy. All members present voting yes, motion carried. | ACH & Electronic Transactions Policy |
| 30. Basinger asked Small if he would explain to the Council on why the recommendation for Bel-Aire Heating and Air Conditioning. Small commented he felt Bel-Aire was the most complete bid. Small also commented Bel-Aire was not the lowest bid, Fleetwood was the lowest. Small felt the Fleetwood bid was incomplete and would require extra work to be done when Fleetwood was completed. Small informed the Council Bel-Aire was going to run all duct work under the floor and Fleetwood would have run the duct work in the ceiling. Small felt it would be more beneficial if the duct work was run under the floor. | Village Hall Building Improvements |

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31. Small commented on the meeting he had with the Finance Committee prior to the Council meeting and it was the consensus of the Finance Committee to approve the Bel-Aire Heating and Air Conditioning bid. Small also commented on Finance Committees thoughts on moving forward with phase three on the future of Village Hall.

32. Basinger commented the Finance Committee discussed several items for Village Hall. Some of the items included; air conditioning, new windows, handy cap accessible doors, more office space and storage space. Basinger continued discussing future plans regarding police department, fire department and DPS space.

33. Basinger asked the question on whether Village Hall was worth spending the time and money to remodel or should they build somewhere else in the Village or leasing office space. Basinger commented on possibly changing meeting locations to the Township or possibly the County. Basinger added that Rohr had good questions in regards to how much each building cost the village in utilities and other expenses per month.

34. McIntosh stated that, with all the possible changes that could be done with Village Hall the employees still need to have the air conditioning updates done. McIntosh suggested if and when expansions are done to Village Hall the heating and air conditioning would be easy to add on to those expansions.

35. Larcinese agreed with McIntosh that Village Hall needed to be more marketable for the long term. Larcinese commented the Finance Committee gave KeVen Riley, Finance Administrator some more ideas in regards to new doors.

36. Basinger replied to the Council, the Finance Committee does not have any problems reviewing expenses for remodeling, but just wanted to get a consensus of the Council on what direction to move forward.

37. Rohr commented the Finance Committee also discussed remodeling of the restrooms. Rohr stated the restrooms at Village Hall would need to be brought up to handicap accessible along with the doors.

38. Richardson responded with regards to moving the meeting hall to the Township building. Richardson discuss scheduling

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could be worked out with the Township because the Township held most meeting on Thursdays. McIntosh replied to the Council one advantage of staying with Village Hall was if anything needed to be looked up or found quickly the information was in the same building.

39. Plaszczak commented that nothing could be done right now, but the ideas are going to be worth exploring. The County is exploring the possible expansion to the Court House; with that expansion the Village could possibly lease office space. Plaszczak continued the Council should keep Village Hall updated for the benefit of the employees who work in Village Hall.
40. Small concluded by stating heating and air conditioning to Village Hall would be an investment in the building.
41. Motion by Larcinese, supported by McIntosh, to authorize staff to enter into an agreement with Bel-Aire Heating and Air Conditioning to install a new heating and air conditioning system at Village Hall for a not to exceed price of \$14,380.00 All members present voting yes, motion carried. **Bel-Aire Heating and Air Conditioning Contract**
42. Basinger reported to the Council Small had brought a propose request from Prein & Newhof for engineering service related to the lagoon number two. Basinger stated Small needed the request approved to move forward on the wastewater treatment facility lagoon number two suspected of a leak. Small added the services were only to determine a leak, not to fix the possible leak. **Possible Lagoon #2 leakage repairs**
43. McIntosh question Small, what could possibly cause a leak at the lagoon in question. Small responded the lagoon was 40 years old and an animal could have cause the leak. Small added he was not sure if there was a leak or not, but he felt the study could determine that for sure.
44. McIntosh questioned if there were any other bids. Small responded there were not. McIntosh questioned Larcinese if he felt the bid was fair. Larcinese responded he felt the bid was fair.
45. Motion by Basinger, supported by Rohr, to allow services from Prein & Newhof to examining Paw Paw Wastewater Treatment Facility, Lagoon number two for a not to exceed price of \$1,850.00, note that no hydro geological investigation or **Prein & Newhoff Contract**

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review of monitoring well data will be done as part of the study. All members present voting yes, motion carried.

46. Plaszczak reported that DDA met July 16, 2007. Plaszczak commented the committee approved a new donation towards American Legion monument in the amount of \$5,000.00 for the Veteran's Memorial Park. Plaszczak stated the committee approved new Christmas decorations in the amount of \$12,068.00. Plaszczak further commented that the DDA will assist "The Party Wagon" for her upcoming Bridal Walk in the amount of \$500.00 for August 11, 2007. Plaszczak stated the committee also approved accounts payable claims in the amount of \$984.00
- Committee Reports:
DDA**
47. Rohr reported the Housing Commission met July 16, 2007. Rohr stated the car wash was a success. Rohr also informed the Council the bake sale went so well they are planning on running the sale next year. Rohr stated the landscaping project in front of the building looked great.
- Housing Commission**
48. Larcinese reported the Fire Board met July 11, 2007. Larcinese commented the meeting was well attended due to the members returning from a fire. Larcinese commented he was thankful to meet some members he had not met before. Larcinese commented on ~~a new truck~~, correction 7/23/07 building project a report will be sent out soon describing details of the project. Larcinese stated the board approved claims and would pass out minutes at the next Council meeting.
- Fire Board**
49. McIntosh questioned if Richardson could report on the concerns the Council had from the last Wine and Harvest Festival meeting.
- Wine and Harvest Festival**
50. Richardson reported the Wine and Harvest Festival committee met on July 11, 2007. Richardson thanked Alspaugh, Plaszczak and Riley for the assistants with the Profit and Loss statements. Richardson stated there were some discrepancies between the Wine and Harvest Festival Committees financial reports and the Village financial reports. Richardson stated the reports from the Village showed about \$13,000 less revenue as compared to the prior year. Richardson stated the Village Auditors had several concerns. Richardson commented on a letter he had received from Lori Anthony, Director of the Wine and Harvest Festival. Richardson stated from the letter Anthony was going to resign after this year's festival. Richardson continued with regards to the Wine and Harvest

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Festival pamphlets that have not yet been printed. Richardson also stated he felt the committee was not communicating well with the Village staff.

51. McIntosh questioned the moving of office space to the Party Wagon. Plaszczak responded Alspaugh and he met with the Jeena Smith, Wine and Harvest Festival chairmen last week. Plaszczak stated he felt the meeting had ~~went well~~ correction 7/23/07 gone well and looked forward to this year's festival. Plaszczak commented on the issue of the Directors office space.
52. Richardson stated Anthony was planning on resigning after this year's festival, and therefore there would not really be an issue. Richardson continued he should not have to be the middle liaison between Anthony and Riley. Richardson felt the problems should be put behind everyone and move along with this year's festival.
53. McIntosh questioned, should the Council act on the issue of the office space or not?
54. It was the consensus of the Council to leave the office space at the Village Hall.
55. Basinger reported the Finance Committee met July 23, 2007. Basinger added Riley brought the issues of the Wine and Harvest Festival to the Finance Committee. Basinger stated the Finance Committee was concerned about the \$13,000.00 deficit. Basinger reminded the Council last year at this time the deficit was \$10,000.00. Basinger stated things needed to change and change soon.
56. Basinger also commented, the annual goose hunt for September 2007 was approaching and wanted Council to be aware of the special hunt on the wastewater treatment sites.
57. Larcinese questioned if the Council had already given approval on the hunt in years past. Basinger responded the information is just a reminder to the Council.
58. Basinger reported that, Riley stated in the Finance Committee meeting the Village Auditors were in last week for the on site collection of information and all went well.
59. McIntosh questioned Small regarding policy of

Finance Committee

DPS

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recommendations of special claims. McIntosh stated she thought the policy was to come before the DPS Committee before going to Finance Committee. Small responded that he went to the Finance Committee for recommendation, because there was not a DPS Committee meeting.

**Village Presidents
Report**

60. Plaszczak reported that Wilhelmi and he plus staff met with health care consultant, Mercer Health and Benefits on July 12, 2007. Plaszczak commented the meeting was to prepare for the council workshop session, where the Council can discuss the consultants ideas and the documents they have prepared. Plaszczak stated the consultants could not meet with Council on July 30, 2007 due to a conflict of scheduling. Plaszczak asked the Council what date would work well for everyone.
61. Larcinese asked what would be the purpose of the workshop session. Larcinese questioned if the information from Blue Cross, was the same as three months ago. Larcinese stated that he did not want to go around in circles at a workshop session if the consultants did not have more information than just Blue Cross and Blue Shield. ~~Larcinese stated to the Council his biggest concern was employee buyouts and opt outs plans that the Village currently has.~~ Correction 7/23/07.
62. Rohr commented that she understood there was a lot of information the Council had asked the consultant's to prepare for the workshop session and felt the consultant's should be given the opportunities to present their findings.
63. Larcinese again asked, what does the Village pay in buyouts each year? Wilhelmi responded by saying he thought somewhere around \$80,000.00 a year. Wilhelmi stated the actual cost of the insurance has nothing to do with the buyouts.
64. Plaszczak responded by saying these are some of the reasons why the workshop session is necessary to move forward with the health insurance program. Plaszczak reminded the Council about the one year agreement with the DPS and Police unions.
65. Larcinese asked if agendas have been made up for the workshop sessions. Larcinese explained he did not want to go into a workshop session without agendas and questions ready for the consultants.
66. McIntosh commented that she just wanted some knowledge

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and information before going into the workshop sessions. McIntosh stated if the Council could get some type of consensus in the workshop sessions, then maybe moving forward would not take so long. McIntosh added if the consultants could put something together comparing all the different costs and ideas on one presentation it would help get a consensus.

67. Plaszczak stated to the Council items on the agenda for the workshop session will be as followed: 1) Buyout and opt outs, 2) Narrowing down the Blue Cross plans. It was the consensus of the Council to meet August 15, 2007 at 7:00 p.m.
68. Plaszczak commented the new web site is up and running and looked good. Plaszczak reported that Paw Paw Days was held last weekend and was successful. The Drum and Bugle Corp played last week and was also successful.
69. Plaszczak commented he had a meeting with the new Village Manager earlier in the day and he is anxious to get started. Plaszczak reminded the Council he was set to start on August 20, 2007. Plaszczak informed the Council he was preparing a memo to bring him up to date on Village affairs. Plaszczak concluded by reminding the Council of the model seaplane event that will be this Saturday, July 28, 2007 at the island.
70. McIntosh had question with regards to the memo being prepared for the Village Manager. McIntosh asked if the Council had more ideas and concerns that could be added to the memo.
71. Plaszczak responded that it was not a duty list memo, it was more of a current events happening in the Village memo.
72. McIntosh commented about the census the Village was working on. McIntosh stated without the census the Village could not use the fullest extent of the revolving loan fund monies.
73. Plaszczak responded stating the Council had not heard back from the state regarding the revolving loan program.
74. McIntosh stated the purpose of the census was to have the revolving loan available for possible funds to be used in the remodeling of Village Hall.

McIntosh

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75. Larcinese asked why the US federal census could not be used to complete the project. McIntosh responded stating it had to be an independent census.

76. Wilhelmi has question with regards to the study being done on the possible site for the new library. Wilhelmi questioned if anyone had heard about the ground study? **Wilhelmi**

77. Plaszczak responded that he had spoke with the library director and he had stated everything went well with the study and now the library board was looking at funding the project. Plaszczak stated there was a meeting coming up in August to discuss further plans.

78. McIntosh commented she spoke with Dennis Cochran in regards to the DDA brick project in the Village. McIntosh suggested the Village needed to move forward with using bricks that matched the downtown business, instead of using off colored bricks. **McIntosh**

79. Larcinese commented with regards to Jeffery Williams who was at the last Council meeting discussing pool safety. Larcinese questioned if Council adequacy helped Williams with the safety concern. **Larcinese**

80. Alspaugh commented he had left and a message with Williams and also gave Williams his business card. Alspaugh stated he checked the ordinance and was going to provide Williams with the information.

81. Larcinese asked about regards to the personnel policy and he wanted to get a consensus of the Council of the format for the policy. Larcinese added he would like to add ten more pages for review. Larcinese asked Richardson for assistants with the review. Richardson accepted.

82. Larcinese stated the water tower project was progressing.

83. Larcinese provided information in regards to the Lakeview Foundation fall auction scheduled for October 19, 2007. Larcinese added the cost would be \$60.00 a ticket for the event. **Correction 7/23/07 Larcinese would like to put together a table of Village people.**

84. Small commented on the lowering of the lake and stated the paperwork was completed today and was mailed into the DEQ **Small**

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for review. Small stated it would take a few days to get back a response from the DEQ and after the response the Village would need to inform the public.

85. Small commented there would be a meeting on Tuesday, July 24, 2007 at 10:00 a.m. with Paul South from MDOT regarding the changes with north M-40 and the addition of a bike path.

86. Alspaugh commented that Police Department was anticipating the return of Officer Loren Turner. Alspaugh further commented the Police Department has been short staffed for most of the summer. Alspaugh concluded stating everything was going well at Village Hall.

Alspaugh

87. Motion by Wilhelmi, supported by Larcinese to adjourn the meeting. All members present voting yes, motion carried. Meeting adjourned at 9:16 p.m.

Adjournment

Respectfully submitted:

Village President,
Roman Plaszczak

Village Clerk
Christopher Tapper