

**ADA TOWNSHIP BOARD MEETING  
MINUTES  
JANUARY 15, (JANUARY 25), 2010**

Meeting was called to order by Supervisor Haga at 7:30 p.m. Members present: Supervisor Haga, Clerk Burton, Treasurer Rhoades, Trustee Smith, Trustee Westra, Trustee Sytsma, Trustee Proos. Also present: Planning Director Ferro, Township Engineer Groenenboom, Recording Secretary Johnson and twenty-two community members. Members absent: None.

**APPROVAL OF AGENDA**

Supervisor Haga noted one change to the agenda. Under "III.B. - Receive and File Various Communications" one item had been added: Item #8 - January Supervisor's Report - 01/22/2010. **Moved by Westra, supported by Rhoades, to approve the agenda as amended. Yes - 7, No - 0; Motion carried.**

**PRESENTATION TO THE BOARD: KENT COUNTY SHERIFF DEPARTMENT EAST PRECINCT UPDATE**

East Precinct Commander Lt. Steve Chanter presented the update to the Board. He noted that Deputy Joe Taylor is still the Community Police Officer for Ada Township and introduced the new second Community Police Officer, Deputy Julie Vogelzang, who briefly outlined her background and training and distributed contact information sheets. Lt. Chanter indicated the statistics for the last quarter of 2009 were in the final compilation stage and would be distributed shortly. In October there were a few daytime breaking and entering incidents; in two separate incidents officers were able to apprehend the groups. There have not been home invasions since then. Overall, it has been a successful quarter.

Trustee Westra inquired if Kent County Sheriff Department was considering a system to allow statistics to be generated directly to the Internet, similar to a system Grand Rapids has recently implemented. Lt. Chanter noted different agencies use a variety of software with disparate capabilities; he was not aware of any such plan at this time, but offered to look into the possibility. The existing system meets key needs, but doesn't currently allow publishing of the information in that manner. Supervisor Haga remarked an effort was underway to do something similar with the Fire Department.

**GENERAL TOWNSHIP BUSINESS**

**CONSENT AGENDA:**

**Approval of Minutes**

January 11, ~~2009~~, (2010) Regular Board Meeting

**Receive and File Various Reports/Communications**

1. Downtown Development Authority Minutes - 12/07/2009; 2. Building Permit Summary for 2009 - 01/11/2010; 3. Township Broadband Marketing Plan - 01/2010; 4. DiPiazza – Thank You Note - 01/08/2010; 5. Board of Commissioners - Land Bank Authority Board - 01/11/2010; 6. Open Space Advisory Board Minutes - 12/10/2009; 7. Parks & Recreation Committee Minutes - 12/11/2009; 8. January Supervisor's Report - 01/22/2010. **Moved by Proos, supported by Burton, to approve the Minutes and accept the reports and communications under the Consent Agenda. Yes - 7, No - 0; Motion carried.**

**APPROVAL OF WARRANTS AND RECEIPTS**

Treasurer Rhoades presented Warrants and Receipts in the following amounts: Hand Checks: #101 \$9,183.11; #205 \$608.93; #208 \$784.71; #213 \$150.00; #248 \$150.00; #590 \$224.78; #591 \$224.78; #592 \$9.15; Total All Hand Checks \$11,335.46. Warrants: #101 \$12,640.29; #205 \$37,026.47; #208 \$1,768.72; #211 \$19,819.81; #213 \$2,000.00; #590 \$81,409.03; #591 \$100,436.47; #592 \$3,163.04; Total Warrants \$258,263.83. Total All Checks and Warrants \$269,599.29. **Moved by Trustee Smith, supported by Trustee Sytsma, to approve the Warrant Report for January 25, 2010, in the total amount of \$269,599.29.**

Trustee Westra pointed out \$14,671.00 is being paid to the Grand Valley Metro Council for 1st and 2nd quarter REGIS dues (Line Item #20) and suggested less expensive or free alternatives may be available to provide the same services and information. He noted several other local communities are pulling out of REGIS.

Supervisor Haga clarified there has been some discussion about local communities leaving the Grand Valley Metro Council. However, to his knowledge no community has pulled out of REGIS, which is a separate entity, with the exception of Kent County, which has put REGIS on notice that it will pull out in October 2010.

Trustee Sytsma noted the Fire Station medical supply restock (Line Item #34) was a very good price.

**Roll Call: Yes - Sytsma, Proos, Westra, Smith, Burton, Rhoades, Haga. No - 0. Absent - 0. Motion carried.**

**PAY APPLICATION #4, PHASE III TOWNSHIP TRAIL: KATERBERG-VERHAGE**

Supervisor Haga stated Township Engineer Steve Groenenboom had indicated he would be late; this item would be addressed after he arrived.

### **PUBLIC COMMENT OTHER THAN AGENDA**

Don Mitchell, 8771 Conservation Street, reminded the Board of their promises and obligations to serve the best interests of the citizens of Ada. He emphasized the importance of choosing a public bid process over negotiating with current vendors to obtain the best prices and commended Trustee Proos for asserting the importance of bidding large contracts. He praised Trustee Westra's advocacy for submitting the sewer cleaning services for public bid, which is an issue still in process. He strenuously urged the Board to put the sewer services out for competitive public bid as outlined in policy, as opposed to awarding a negotiated contract with a selected vendor.

Deb Emery, 7534 Fase Street, noted Trustee Proos had suggested at the last meeting that a lawsuit could be filed to recoup costs due to the unemployment claim filed by the former Clerk. She indicated each of the appeals filed were in response to either incorrect information or missed deadlines by the Township.

Frank Hoover, 700 Marbury Street, noted roughly \$250,000 was spent on the full year of service for sewer cleaning and a large portion of that was for emergency services. He concurred with Trustee Westra's position on the need for bidding items over the threshold, but stated an emergency situation was not an appropriate time to hold up the services for bidding.

### **BOARD COMMENT**

Trustee Westra followed up on the job costing report, which was presented at the last meeting. He stated there had been mention of a system error in the ability to accurately input the name of the accounts payable client and inquired when the next job costing report would be received by the Board. Supervisor Haga indicated the report was a project report and it could be issued quarterly. He reiterated it wouldn't be possible to fix the history for the items that had errors due to the glitch, although the glitch itself had been resolved for going forward. In response to Trustee Westra's questions on the training, Supervisor Haga stated the job-costing module is part of the BS&A.net system. Payables are entered by staff in the Clerk's Office and in the Utility Department; the staff has been trained on the use of the BS&A general ledger system, which includes the project application.

Trustee Westra inquired if the document from Communications By Design received with the Board packet for the meeting was the marketing document to bring high-speed internet to Ada which was alluded to in earlier Board meetings. Supervisor Haga confirmed it was and stated the consultant, Ms. Sara Easter, couldn't be present to answer questions, but should be present at the next meeting to respond to specific questions. He noted Ms. Easter would do a special presentation to the Board. Trustee Westra urged a GIS component be included in the initiative.

Trustee Smith commended the good information in the report, but was disappointed there were so many grammatical errors in the "Purpose of the Report" document.

Trustee Smith inquired if Parks Director Mark Fitzpatrick had spoken to Clerk Burton about adjusting the dates of the *AdaView* to better coincide with park programs and activities. Clerk Burton confirmed all quarterly publication dates had been moved forward a month to provide more timely coverage of the parks programs and activities. As a result, the next *AdaView* will be issued on March 1st.

Clerk Burton announced Ada Township would be represented at the Forest Hills Community Expo, which will be held March 20th at the Ada Christian School. The Township will have four tables which will accommodate: Parks & Recreation, Farmer's Market & the Downtown Development Authority (DDA), Open Space, Fire Department, and general Township matters (*AdaView*, collecting email addresses for communication, etc.). The Ada Historical Society will have their own booth. She encouraged Board members to participate.

Trustee Proos requested the status of the donations for the proposed covered bridge. Supervisor Haga said the donations stood at roughly \$15,000 and an email update could be sent to the Board members. In light of the additional funds still needed, Trustee Proos suggested including an article in the next *AdaView*; Clerk Burton agreed to the idea.

Trustee Proos inquired of Planning Director Jim Ferro if there had been any response to the request to route 3 Mile hill traffic through the Montrose development to reduce safety concerns. Planning Director Ferro is determining if the developer still has control of the condo association or if it has been transferred to the homeowner's association, as that will determine whom the Township needs to approach for consent.

Trustee Proos strongly condemned the planned closure of the M-21 bridge for 6-9 months. The impact on residents and businesses would be deplorable and the potential delay of obtaining critical emergency services would be unacceptable. He urged the Board and the taxpaying public to be united in vocal opposition to the current plan.

Trustee Proos requested an update on the CIP (capital improvement planning) focus groups. Planning Director Ferro stated the focus groups would begin in two days and should wrap up within 1.5 weeks. The selection process for focus group members excluded Township employees, members of elected or appointed boards and commissions, and members of the Fire Department. Random residents were selected from a database of registered voters; selected persons were called to invite to participate.

Trustee Proos thanked Planning Director Ferro for the excellent detail on the permit report; he felt that information should be available to the public as it reveals growth trends in the community.

Trustee Proos asked for an update on the moratorium on zoning applications and the changes to zoning regulations. Planning Director Ferro stated the Planning Commission has a special meeting on January 28th at 7:30 pm. He was anticipating that the Planning Commission would decide to make a recommendation to the Board at the end of the meeting. If so, that recommendation would be transmitted to the Township Board at the next meeting.

In light of the highly positive response to the Farmer's Market in 2009, Trustee Proos encouraged the Board and the administration to be early and proactive on preparing for a fully staffed and supported expanded Farmer's Market in 2010.

Trustee Proos was excited to see the beginning of action to update museum buildings. As the strategic planning for Ada Historical Society progresses, please remember to consider a memorial for the late Mr. Bob Hill, an Ada resident who was very involved in community work and the Ada Historical Society.

In view of remarks made earlier, Trustee Proos responded he was a strong advocate of the bidding process, but Supervisor Haga does not receive sufficient credit for his efforts in that regard. He noted Supervisor Haga is actively working towards preparing a proposal for all services, including all aspects of water, sewer, and utilities. It is a very complex undertaking, and he has asked for input from a variety of sources, including Ryan's Modern Sewer Cleaning, which is something that may have been misquoted.

Trustee Proos expressed appreciation for the Supervisor's comments on the last Supervisor's Report. He also expressed displeasure of Trustee Westra's letters to the paper. He felt it was inappropriate for Trustee Westra to speak on behalf of Board members and to present the position of the Board without authorization.

Trustee Westra attempted to respond to the comments on his actions, but Supervisor Haga called him out of order, as his response to Trustee Proos' comments was not appropriate at that time. Trustee Westra continued to speak after being called out of order. Supervisor Haga called a brief adjournment.

**MEETING ADJOURNED AT 8:15 PM FOR A SHORT RECESS**

**MEETING CALLED BACK TO ORDER AT 8:19 PM**

Trustee Proos stated he had concluded his Board comments.

**GENERAL TOWNSHIP BUSINESS, CONTINUED**

**PAY APPLICATION #4, PHASE III TOWNSHIP TRAIL: KATERBERG-VERHAGE**

Township Engineer Steve Groenenboom was now present. **Moved by Rhoades, supported by Burton, to approve Pay Application #4 to Katerberg-Verhage for the Phase III Trail Project in the amount of \$32,718.00.** Township Engineer Steve Groenenboom apologized for being late. He stated the pay application was for ongoing winter work on the trails project. The boardwalk construction is a little over one-third done. There will be a change order on the next pay application due to a DEQ dictate to go around a ditch; this will necessitate significantly more boardwalk than originally planned. Progress is moving slowly, as is normal for winter.

Trustee Proos stated it would be helpful to have the pay applications include a side-by-side comparison with the last bill indicating which work was previously completed and which work was completed on the current pay application.

**Roll Call: Yes - Proos, Smith, Sytsma, Westra, Rhoades, Burton, Haga. No - 0. Absent - 0. Motion carried.**

**UNFINISHED BUSINESS**

There was no Unfinished Business.

**NEW BUSINESS**

**STAFF HEALTHCARE BENEFITS**

Supervisor Haga noted that the Personnel Committee has met and recommended a change to the staff healthcare program by the adoption of a healthcare reimbursement program, Blue Cross Blue Shield Community Blue PPO #12. The plan allows for reimbursement of increased co-pays for office visits and prescriptions. The consensus of the Personnel Committee was to provide the same benefits, but to reduce costs to the Township. As part of the effort, the staff was surveyed to determine utilization of benefits, which allowed informed evaluation of deductible options. Supervisor Haga introduced insurance agent Tom Armentrout from Burnham & Flower Insurance Group to answer Board questions. **Moved by Sytsma, supported by Smith, to adopt the staff healthcare benefits recommendation as proposed by the Personnel Committee in the January 16, 2010 memorandum.**

Trustee Proos stated the proposed change would transition the Township from a conventional plan (Community Blue) to a Community Blue PPO with an HRA (Health Reimbursement Account) plan and asked for brief detailing of the essential difference between the two. Mr. Armentrout stated the current plan allowed for 100% coverage with no deductible in-network. The new plan has a high deductible, but the employee can submit the deductible costs to the plan administrator, Burnham & Flower Insurance Group, for reimbursement. The primary cost savings is realized in a reduced premium cost for accepting a higher deductible. Even after reimbursing deductible costs to the employees, the Township will realize net savings, which will be increased given that it is

unlikely all employees will use 100% of the available deductible. In response to Trustee Proos' question regarding funding for the HRA aspect, Mr. Armentrout stated the deductible is not funded until the employee presents a claim for reimbursement. There are a few options as to how to structure this payment from the township to the plan administrator at the point of payment.

In response to Trustee Westra's questions, Mr. Armentrout clarified that Burnham & Flower Insurance Group is an agent with Priority Health, and represents many companies. They specialize in plans relating to government entities.

Trustee Westra inquired if other agencies, in addition to Burnham & Flower Insurance Group, were contacted for quotes. Supervisor Haga responded other agencies were not contacted, but a variety of plans were considered. The current coverage will expire February 1. At that point the coverage will default to the new rates on the current plan, which are an 18.45% increase in the current rates. Trustee Westra objected to the limited time frame to review the proposal and suggest further investigation.

Trustee Proos pointed out the key difference between PPO #12 and PPO #14 was the level of deductible. As the deductible will be paid by the Township, Trustee Proos questioned if it would be advisable to move directly to the higher deductible and greater potential cost savings. Mr. Armentrout explained it is necessary to look at the number of dependants potentially participating in a plan to effectively evaluate the true costs, as dependents normally increase deductible cost liability.

In response to Trustee Proos' query, Supervisor Haga stated that 5% of the premium cost is currently borne by the employee. Trustee Westra noted that other municipalities are considering a much higher percentage of the premium being passed onto employees. The Board reviewed the numbers proposed and the potential savings of the various plans.

Trustee Westra expressed concern the Township be cautious about providing an inordinately high standard of healthcare to the Township staff at high cost to Township residents. He discussed the number of hours which qualify as full-time Township employment and expressed concern there be an equal standard applied to all employees to ensure only employees meeting eligibility be covered. He suggested elected officials should not be covered and therefore the hours for the elected Supervisor portion of the Supervisor/Utility Director position should not count toward eligibility.

Trustee Smith inquired if the similarity of coverage was driven in part to ensure that employees would not be required to change doctors. Supervisor Haga confirmed that was one of the factors considered by the Personnel Committee during their deliberations. Trustee Smith pointed out a decrease in the overall premium costs would reduce the costs to the employees, as their share of the premium is based on a percentage of the premium cost.

Trustee Proos explained this is not a contract situation, but the downside in changing plans mid-cycle is any deductible which already been met by employees is not transferable to a new deductible with a new plan, unless the plan is negotiated to accept a year-to-date deductible.

Trustee Westra inquired how long it would take to fully investigate other agencies and vendors; Supervisor Haga stated the rough estimated time to explore other options would be two months. Based on the pending premium increase for the current plan, Trustee Westra concluded it would cost the Township approximately \$4,000.00 per month to not approve the recommended plan and to take time to consider other options.

Trustee Proos proposed increasing the deductible and approving the PPO #14 plan which would increase the potential savings for the Township. Trustee Westra questioned if it would be advisable to delay approval and investigate other options.

Trustee Proos noted the options being currently considered were all Community Blue, which is a premium plan. Mr. Armentrout responded the obstacle to moving to some other carriers is the necessity of employees filling out health questionnaires, and the base rate would often rise after transferring. He explained Blue Cross Blue Shield has condensed their variety of HSA offerings to Blue Community in an effort to reduce administrative costs. They still offer BlueCare Network, which is an HMO, but they no longer offer the point-of-service plans.

Trustee Smith commented while the deductible-reimbursement model was potentially a cash-flow issue for employees, it would not be a total cost issue for them. Mr. Armentrout explained it was not always a case where the employee would be required to pay up front. In cases where the service provider submitted for insurance payment on behalf of the employee (such as a hospital stay), the employee could submit the Explanation of Benefits form they received to the plan administrator and the plan administrator would then reimburse the cost of the deductible for that service to the employee who is then responsible for paying the service provider the remaining costs (co-pay and deductible).

Trustee Westra inquired if the costs would vary from agent to agent. Trustee Proos noted the rates are set by Blue Cross Blue Shield and wanted to focus on reviewing other plans and options. He urged considering 80/20 as well as 90/10 and rethinking if the 5% cost of the premium to the employee was high enough in today's economy.

**Moved by Proos, supported by Westra, to postpone action on the staff healthcare benefits recommendation as proposed by the Personnel Committee in the January 16, 2010 memorandum.**

Trustee Proos said he didn't want to require health questionnaires and artificially low rates, which would rise shortly. He stated the focus should be on good insurance with fair options. He felt the options needed to be considered.

Trustee Sytsma asked if college-age children in school could be covered under the family plan. Supervisor Haga explained they were covered under the family continuation plan, and the Township has historically covered the costs of the increased premiums for the family continuation option.

**Yes - 5, No - 2; Motion to postpone carried.**



### **BRONSON STREET IMPROVEMENT PROJECT**

Planning Director Ferro outlined the proposed project for road, parking, and streetscape improvements on Bronson Street between Ada Drive and Headley Street. This project proposal has been in the works in some aspect since the early 1990's. One of the challenges to the project was reaching agreement with the Kent County Road Commission that was allowable according to their design standards and would be acceptable to Ada residents. An affordable, workable compromise has finally been reached and the project plan is recommended to the Board for approval. Among other improvements, the plan calls for street widening on the first 400 feet portion of the street from Ada Drive and includes 30 head-in parking spaces adjacent to the railroad. Decorative lighting and irrigated landscape would also be installed, as well as an extension of a 5-foot wide sidewalk on the north side of Bronson Street. **Moved by Sytsma, supported by Burton, to approve the Downtown Development Authority recommendation of the Bronson Street Improvement Project for the 2010 construction season with an estimated cost of \$390,294.00 (\$305,705.00 to be borne by the Township and \$84,589.00 to be borne by the Kent County Road Commission).**

Trustee Proos stated it was a wonderful project, but the Township just funded a capital improvement plan focus group. Considering the pending results from the CIP focus groups, the money potentially needed by the trails, and the possibility of the approaching closure of the M-21 bridge, there is a timing issue with this proposal.

Trustee Westra concurred and noted that purpose of the capital improvement planning process is to be responsive to resident input on priorities, setting the projects in motion, and completing them. He stated it was important to get input from the focus groups on the priorities of the projects proposed and to have this project prioritized as part of the overall capital improvement planning process. Trustee Smith agreed with Trustees Proos and Westra. Clerk Burton also concurred; she felt it was preferable to postpone until the focus group input is received than to water down the project simply for cost savings.

**Moved by Westra, supported by Smith, to postpone action on the Downtown Development Authority recommendation of the Bronson Street Improvement Project for the 2010 construction season.**

Trustee Sytsma noted the Bronson Street improvement was originally agreed upon seventeen years ago. She was very unhappy it was seventeen years late and was still being delayed.

**Yes - 7, No - 0; Motion to postpone carried.**

### **ACCEPTANCE OF PRESERVATION EASEMENT ON PROPERTY AT 2652 EGYPT VALLEY AVENUE**

Planning Director Ferro outlined the recommendation by the Open Space Advisory Board to accept the preservation easement on 2652 Egypt Valley Avenue. The intent of the easement is to restrict vegetation removal and alteration within the easement area, for the purpose of preserving the existing natural and rural character of the road corridor. There is no cost to the Township and there are no homes there currently. **Moved by Westra, supported by Proos, to accept the reservation easement at 2652 Egypt Valley Avenue as proposed. Yes - 7, No - 0; Motion carried.**

### **DETERMINATION ON CEMETARY SPACES**

Supervisor Haga noted that this was a sensitive matter; he requested that comments be guided by respect and discretion. Supervisor Haga called for a motion to put the matter on the table for discussion.

**Moved by Proos, supported by Sytsma, to approve the recommendation made by the Clerk regarding the nullification of the sale and transfer of the cemetery lots in question.**

Supervisor Haga invited Clerk Burton to present the matter. Clerk Burton opened by noting this was not an investigation intended to target any person; she was simply pursuing her duties. The memo issued by Clerk Burton to the Board outlines a recommendation to nullify the sale and transfer of two cemetery lots which were sold to the former Clerk, Ms. Deborah Ensing Millhuff. The issue originally arose during routine record keeping; the transfer deed of 4/20/2001 did not cite where or from whom the deed was transferred, as is required in transfer deeds. Cemetery records were searched for documentation supporting the transfer of ownership. Ms. Ensing Millhuff was contacted to provide supporting documentation, but she did not have the requested documents. In one of her two responses she indicated the spaces were originally purchased in 1993 and noted the transfer was done in 2001 as a result of an error in mapping by the Deputy Clerk. Clerk Burton contacted the Deputy Clerk for 2001, Marthene Wamser, and confirmed she had completed the transfer, even though the supporting documentation had not been available at the time. In light of this lack of supporting documentation of ownership, Clerk Burton submitted a memo to the Board seeking guidance on this matter and recommending the nullification of the sale and transfer.

Supervisor Haga reminded everyone present to be courteous in their comments.

### **PUBLIC COMMENT ON THE DETERMINATION ON CEMETARY SPACES**

Deb Emery, 7534 Fase Street, read a written statement. She felt this investigation was an attempted diversion from the Township's failure to give timely notice to the public and the press of a sewer break. The delay in notice resulted in a \$44,000.00 fine to the Township. She questioned the time spent and costs incurred in pursuing this cemetery transfer issue. She questioned why every transfer was not required to produce documentation.

Jean Leazier, 475 Ada Point, used to work for the Township. Occasionally plots in a cemetery map were flagged incorrectly. She questioned the time and effort spent on this issue and asked if everyone transferring plots would have the same challenges.

Nina Harrington, Alta Dale, felt this was shameful harassment.

Deb Ensing Millhuff, 7582 Fase Street, distributed to the press a copy of a printout of the computer printscreen displaying ownership information and citing Ms. Ensign Millhuff and her husband. She also referred to the 1993 printout of the computer printscreen displaying ownership information and citing no receipt for the purchase, which she said had been either altered or created. She noted the information could not have been entered by Ms. Joan Biemers or her staff, as noted, because the software post-dated Ms. Biemer's administration. She re-iterated that lot #55 was originally purchased in 1993, but was transferred to lot #31 in 2001 when the mapping error was discovered. She said the original deed served as the receipt of payment, but was turned into the Township at the time of transfer. She stipulated that the investigation has been an attempt to discredit her. She felt the investigation was reckless, arrogant, and embarrassing to the community.

Lloyd Paul, 1268 Pettis, emphasized the moral code that applies to elected officials sworn into office. He said that doing what is right could be difficult at times, but that it is necessary. The misappropriation of funds or property is embezzlement or fraud, and the threshold is lower for public officials who serve the public trust. He felt that examining the issue and evidence led to the conclusion that property was embezzled from Ada Township and that the Board had a fiduciary responsibility to act in the interests of the citizens of Ada.

Deb Ensing Millhuff, 7582 Fase Street, spoke to rebut Mr. Paul's comments. She stated she did not work in the Clerk's Office in 1993, and could not have entered the information shown in the printout she distributed.

#### **BOARD COMMENT ON DETERMINATION ON CEMETARY SPACES**

Trustee Westra requested to see a copy of the document that Ms. Ensing Millhuff distributed to the press. He noted that the document showed screenshots of the cemetery records differed from the screenshots of the current computer records. His concern was determining when the record was changed. The changes were in the name field, the address information, and the notes relating to the record. He questioned how the software entries could have been made by Ms. Joan Biemers or her staff, as the software did not exist in 1993 when Ms. Ensing Millhuff explained she first purchased the plots.

Clerk Burton stated that the computer screenshots were made based on what was in the computer; there were no records by herself or her staff. She had to base her conclusions on the notes already in the record, and the absence of supporting documentation to the purchase.

Trustee Westra asserted there was a sufficient record of purchase and the actual deed served as sufficient proof of purchase. He stated an actual receipt for a purchase that long ago would be difficult to produce. Given the disparity of the records produced, which he felt indicated fundamental changes of public record, Trustee Westra questioned the spending of time and money pursuing this issue.

Supervisor Haga commented the document received from Ms. Ensign Millhuff would need some additional research.

Clerk Burton stated the original deed, which would have been turned into the Township at the time of the transfer deed, was not in the records. That transfer deed was issued in 2001, before Clerk Burton's term in office. She noted if the records have been compromised, it was not under her watch.

Trustee Smith thanked Mr. Paul for his comments and for his understanding at the monumental difficulty of this task. She recognized Clerk Burton's efforts to simply do her job well. However, she expressed discomfort at trying to prove something that may not be able to be proven. She stipulated the burden of proof lay with the Township in this matter and she did not feel it was possible to clearly meet that burden. As a result, she recommended dropping the investigation as being without merit.

Trustee Proos reminded the Board of the importance of focusing on key matters. Although wrong should not be condoned, there was insufficient to be gained from pursuing a matter that had so little dollar value and would be so difficult to ascertain the truth of the matter. He noted the Clerk was simply doing her job by pursuing and reporting her findings, but said it was time to put this issue behind them and move onto other pressing business.

#### **CONTINUATION OF MEETING PAST 10:00 PM**

Trustee Westra noted the time was 10:00pm. Supervisor Haga called for a motion to continue the meeting past 10:00. **Moved by Westra, supported by Rhoades, to continue to proceed on the agenda after the 10:00pm hour. Yes - 6, No - 1; Motion carried.**

#### **BOARD COMMENT ON DETERMINATION ON CEMETARY SPACES, CONTINUED**

Trustee Sytsma agreed with Trustee Proos that too much time, effort, pain, and frustration have been expended on this issue, which is not a critical issue, and which does not have a clear-cut resolution.

Clerk Burton indicated she would honor the decision of the Board not to act on the issue. She re-iterated the investigation was not instigated by a personal agenda. She was simply doing her job and requesting information to complete the missing records; the information was not received.

**Yes - 0, No - 7; Motion is not carried.**

**OPPORTUNITY FOR ADDITIONAL PUBLIC COMMENT**

Deb Ensing Millhuff, 7582 Fase Street, noted the document she distributed to the press and the Board earlier was received by herself in response to an earlier FOIA (Freedom of Information Act) request. Therefore, a copy of the document is on file with the Township, as they sent it to her.

Don Mitchell, 8771 Conservation Street, thanked the Board for the decision they made in regards to the cemetery plots. He felt it was a self-defeating investigation and ending it demonstrated great wisdom.

Lloyd Paul, 1268 Pettis, reminded the Board that embezzlement of over \$50.00 by a public official is a felony. He stated the Board has a responsibility to uphold the law, which they failed. The theft of property of the citizens of Ada must be addressed, even if the amount is small or the task is difficult. It is the obligation of the Board to follow the evidence; they owe it to the residents. It is a matter for legal council.

**ADJOURNMENT**

The meeting was adjourned at 10:06 p.m.

**Respectfully submitted,**

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**Susan Burton  
Ada Township Clerk**

**RS/kj**