

**ADA TOWNSHIP BOARD MEETING
MINUTES
MARCH 8, 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 Proos, Trustee Sytsma, Trustee Westra. Also present: Planning Director Jim Ferro, Parks Director Mark Fitzpatrick, Recording Secretary Johnson and nineteen community members. Members absent: None.

APPROVAL OF AGENDA

Supervisor Haga noted some changes to the agenda. Under "IX - New Business", Item A - Motion to Proceed into Closed Session to Discuss Legal Opinion Regarding DNRE Settlement Communications on Ada Township Sewer Force Main Matter was held until legal counsel would be present, approximately 8:45pm. In the same section, Item E - Resolution to Adopt Revised Standards of Conduct for Ada Township Ethics Board was deleted; neither the Chairperson nor the alternate were available to present the item to the Board; the item will be rescheduled for the next Board meeting. Subsequently, the remaining Resolutions on the Agenda were renumbered accordingly. Finally, a new item was added to the same section: Request for Funding for an Engineering Consultant for the M-21 Bridge Replacement Project. **Moved by Westra, supported by Rhoades, to approve the agenda as amended. Yes - 7, No - 0; Motion carried.**

PUBLIC HEARING

PUBLIC HEARING FOR BUDGET FISCAL YEAR 2010/2011

Moved by Smith, supported by Proos, to proceed into public hearing for the budget for Fiscal Year 2010/2011. Motion carried.

At the opening of the Public Hearing, prior to receiving Public Comment, Supervisor Haga briefly reviewed the key figures from the budget. He noted that some of the revenue reductions from Fiscal Year 2009/2010 result in tax revenue reductions for Fiscal Year 2010/2011 and that there were also reductions in budget interest revenue and budget revenue sharing.

PUBLIC COMMENT FOR BUDGET FISCAL YEAR 2010/2011

Deb Emery, 7534 Fase Street, inquired if the assessor's salary was still the same as the previous year, with seventeen hours per week at \$52,000.00 annually. Supervisor Haga confirmed that there was no change in the assessor's salary and indicated that the part-time hours vary based on need. Trustee Smith noted that consideration of the staff salary recommendation was an agenda item for later in the meeting.

Bob Kullgren, 7029 Bronson Street, is the President of the Ada Township Downtown Development Authority Board. He noted that he is a long-time resident of Ada, although only temporarily on Bronson Street. He commented on the long seventeen-year process to try to bring the Bronson Street project to fruition; he said that it was sorely needed by both the residential and business communities. He urged the Board to include the funding in the budget to complete the Bronson Street project.

Jamie Ladd, 8800 Conservation, discussed the need for planning and budgeting for the secondary and tertiary road repairs based on need as opposed to the current allocation amount and process.

Moved by Westra, supported by Proos, to close the public hearing for the budget for Fiscal Year 2010/2011. Motion carried.

BOARD COMMENT FOR BUDGET FISCAL YEAR 2010/2011

In response to Trustee Smith's question, Supervisor Haga clarified that the summary numbers he reviewed at the opening of the Public Hearing were based on the assumption that the Headlee rollback would be instituted.

Trustee Smith noted that the Planning Commission has been working on the Capital Improvement Plan (CIP), which is due to be finalized later in March. She indicated that it was a handicap working on the budget without the finalized CIP; she also felt that the information received from the focus groups, which the Board received just before the budget work session, was not very helpful. Trustee Westra agreed; he urged the Board in the future to do strategic planning, then complete the CIP, then move logically to the budget.

Trustee Westra echoed the concern with the budgeting for road repairs. In particular, he mentioned the possibility of potential legal action regarding the Three Mile paving issue and inquired if that project was specifically addressed in the budget.

In response to Trustee Westra's inquiry, Supervisor Haga noted that although the money for the forensic analysis of the condition of the force main in the areas of concern already identified, there has been no funds currently budgeted for actual repairs. This is because the potential repair costs cover a very wide range, and cannot be effectively estimated until the forensic analysis is completed.

Trustee Proos expressed concerns about the proposed budget; he did not feel the budget was conservative enough. He felt that it was important to ensure that the public and the Board be allowed enough time to fully understand the numbers. He also noted that the potential cost impact of the M-21 Bridge Replacement Project should also be considered carefully. He strongly recommended that the Board have another work session prior to the April 1st approval deadline.

Trustee Sytsma supported the Township's efforts to provide auxiliary aide to persons with disabilities attending the Township meetings, but suggested that the required advance notice to the Township for such needs would be reduced from four days to two days. The Clerk said she would look into it.

GENERAL TOWNSHIP BUSINESS

CONSENT AGENDA:

Approval of Minutes

February 17, 2010, Special Board Meeting and February 22, 2010, Regular Board Meeting

Receive and File Various Reports/Communications

1. Kent County Year End 2009 Report; 2. Membership Information MiDEAL Program - 02/10/2010; 3. Utility Advisory Board Minutes – 01/02/2010; 4. MTA Legislative Update Fax (with proposed HB5845 and HB5847 attached) - 02/19/2010. **Moved by Proos, supported by Westra, 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 \$6,370.00; #205 \$175.00; #208 \$500.00; #211 \$4,667.57; #248 \$180.41; #590 \$209.25; #591 \$120.18; #592 \$183.72; Total All Hand Checks \$12,406.13. Warrants: #101 \$22,285.28; #205 \$18,797.78; #208 \$2,788.45; #213 \$257.40; #590 \$2,881.73; #591 \$1,719.86; #592 \$101.91; Total Warrants \$48,832.41. Total All Checks and Warrants \$61,238.54. **Moved by Trustee Westra, supported by Treasurer Trustee Smith, to approve the Warrant Report for March 8, 2010, in the total amount of \$61,238.54.**

Regarding Line Item #27, Trustee Sytsma inquired if sufficient funds had been budgeted for the legal services. She asked if more detail could be provided on the Open Preservation legal expenses. She also asked about the time period for the Roberts Trust.

In response to Trustee Proos inquiry, Supervisor Haga explained that Line Item #30 was due to a replacement for a damaged streetlight.

Parks Director Mark Fitzpatrick responded to Trustee Smith's question on the deposit to Camp Roger. The Parks Department plans to do a teen adventure program this summer; the payment is a deposit to reserve the date for the ropes course.

Trustee Smith also asked for more detail on Line Items #24 and #26, which cited Fire Department-related charges. One of the charges was related to a class provided to the staff; the other charges related to the Fire Commission. Given the costs, Trustee Westra expressed interest in evaluating the value received from membership in the Fire Commission.

After Supervisor Haga explained that some of the legal costs charged under Line Item #27 were bills for services in January, Trustee Westra suggested that vendors submit bills within thirty days. Trustee Westra also indicated that he felt that too many items were being sent to the attorneys and incurring billable time.

Trustee Smith inquired as to why an external vendor was used to salt the grounds, as cited in Line Item #39. Supervisor Haga explained that is was for addressing the recent icy parking lots; the salt application requires special equipment, so it could not be handled by the Township building and grounds personnel.

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

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

RESOLUTION R-030810-1, RESOLUTION FOR ROAD CLOSURE FOR RUN 4 A CAUSE...OUR KIDS 5K RUN

The resolution was presented by Ms. Denise Hamill, Committee Chair of Run 4 A Cause...OUR Kids, Angela Groenwald, Committee Member of Run 4 A Cause...OUR Kids, and Ms. Jennifer Adams, Development Coordinator of Helen DeVos Children's Hospital Foundation. They are planning the first annual Ada Fun Run/Walk, which will include both a 5K run and a 1.5mile run/walk for families and children. The event also includes other related fun and social activities. The focus is on raising funds for the Helen DeVos Children's Hospital and Ada Township and increasing family fun and fitness. The event is scheduled for June 19th; road closure was requested for that date from 8:00 to 10:00am. **Moved by Westra, supported by Sytsma, to adopt Resolution R-**

030810-1, which is a Resolution to close the designated roads for the Run 4 A Cause...OUR Kids 5K Race and Family Fun Run for June 19th, from 8:00 - 10:00 am. The 5K race will be timed and there will be awards; the Family Fun Run is 1.5 miles and is geared towards fun. The Board considered the possibility of using the non-motorized trail system for this run and reviewed the pros and cons of the proposed route options. The Board also discussed dedicating all funds raised solely to the DeVos Children's Hospital.

Moved by Proos to amend the motion to reflect the selection of Route #2 as received March 8, 2010. Support by Sytsma. Yes - 7, No - 0; Amendment to the motion carried.

Moved by Proos to amend the motion to designate that all proceeds go solely to the Helen DeVos Children's Hospital. Support by Sytsma. Yes - 7, No - 0; Amendment to the motion carried.

Roll Call: Yes - Proos, Sytsma, Smith, Westra, Burton, Rhoades, Haga. No - 0. Absent - 0. Resolution as twice amended is adopted.

PARKS DEPARTMENT UTILITY VEHICLE PURCHASE

Parks Director Mark Fitzpatrick outlined the request for purchase for a utility vehicle purchase. The current utility vehicle is in high demand and is not able to be used in winter. The new utility vehicle would ease the high demand, including the added needs at Roselle Park, and would also allow for usage during winter. It is also capable of being upgraded in the future with the addition of windshields and a plow, as needed. The capital improvement budget has been amended to reflect this need and move this purchase to a higher priority. Using the MiDeal discount, the purchase was discounted 20%. **Moved by Smith, supported by Westra, to approve the recommended purchase of a John Deere "Gator"-type utility vehicle through MiDeal in an amount not to exceed \$7628.00.** The Board discussed the option and timing for adding the plow. **Yes - 7, No - 0; Motion carried.**

PUBLIC COMMENT OTHER THAN AGENDA

Steve Hall, 8115 Bailey Drive, was disturbed by the amount of negative press that Ada Township has received lately; he said it was not good for the Township. He said that he was discouraged by the reports of the Board meetings being interrupted by discord. He encouraged the Board members to remember why they chose to serve and to behave professionally.

NEW BUSINESS CONTINUED

MOTION TO PROCEED INTO CLOSED SESSION TO DISCUSS LEGAL OPINION REGARDING DNRE SETTLEMENT COMMUNICATIONS ON ADA TOWNSHIP SEWER FORCE MAIN MATTER

Moved by Sytsma, supported by Rhoades, to proceed into closed session hearing to discuss legal opinion regarding DNRE settlement communications on Ada Township sewer force main matter.

Trustee Westra inquired why a closed session was necessary for a public issue involving public bodies. Supervisor Haga indicated that the closed session serves to protect the legal interests of the Township as a whole in this matter. In accordance with the Open Meetings Act, the legal opinion would be discussed in closed session, but the matter would then be deliberated and decided in the open meeting.

Roll Call: Yes - Smith, Proos, Sytsma, Rhodes, Burton, Haga. No - Westra. Absent - 0. Yes - 6, No - 1, Absent - 0; Motion carried.

The Board proceeded into closed session with legal counsel at 9:07pm.

The Board returned from closed session at 9:35pm.

Moved by Westra, supported by Rhoades, to return from closed session to regular open session. Motion carried.

Legal Counsel Alan Schwartz from Miller Johnson summarized the issue. There were three breaks of the Ada Township sewer force main in 2009. Some raw sewage was discharged into the Thornapple River. The Michigan Department of Natural Resources and Environment (DNRE) has proposed a civil penalty of \$45,400.00. After negotiation, the DNRE has reduced the penalty to \$32,200.00. The options are to accept and pay the reduced penalty or to pursue other legal recourse.

Moved by Westra, supported by Rhoades, to accept recommendation of counsel to pay the reduced civil penalty and to budget in \$32,200.00 for the penalty and an additional \$5,000.00 for administrative costs.

Moved by Westra to amend the motion include the processing of the administrative consent order applicable to the penalty. Support by Proos.

Yes - 7, No - 0; Amendment to the motion carried.

Yes - 7, No - 0; Motion as amended carried

PERSONNEL COMMITTEE REGARDING EMPLOYEE HEALTH BENEFIT PLAN

Supervisor Haga outlined the recommendation by the Personnel Committee regarding the Employee Health Plan. This was a follow-up to an earlier recommendation by the Personnel Committee; the Board had requested further investigation into alternative options. Trustee Proos noted that it was getting late, that this is a complicated issue, and that there were more pressing matters on the agenda. **Moved by Westra, supported by Proos, to postpone the health insurance agenda item to a special meeting to be held prior to a work session on the budget.** The Board discussed the timing for the issue as well as the possibility of participating in a state pool, if the changes proposed by the Governor are explored and implemented. Supervisor Haga indicated that the research with a variety of vendors has already been done by the Personnel Committee. Trustee Proos felt that it was not only important to consider the possible state option, but to fully investigate and understand the HSA and HRA options. He felt that the potential savings of the HRA plan was a gamble. Trustee Rhoades noted that the Personnel Committee had already gone back to the drawing board to try to get even more savings and that all three submitters showed similar figures for utilization percentages. Trustee Smith pointed out that the MTA fax indicated that the state plan was in the early stages. **Yes - 3, No - 4; Motion to postpone defeated.**

CONTINUATION OF MEETING PAST 10:00 PM

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

Moved by Rhoades, supported by Sytsma, to approve the Personnel Committee recommendation of the Marwil & Associates Flexible Blue Plan 3 HRA.

Moved by Rhoades to amend the motion to stipulate a one-year contract. Support by Smith. The Board discussed fixed cost savings of a standard plan versus savings through an HRA plan. **Yes - 7, No - 0; Amendment to motion carried.**

Yes - 3, No - 4; Motion as amended defeated.

Moved by Proos, supported by Sytsma, to approve the Priority Health - POS Network 100/70 Plan comparable to current BCBS plan with fixed costs savings.

Moved by Westra to amend the motion to stipulate a one-year contract. Support by Proos. Yes - 7, No - 0; Amendment to motion carried.

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

PERSONNEL COMMITTEE RECOMMENDATION REGARDING STAFF SALARIES

Supervisor Haga presented the Personnel Committee recommendation for staff salaries for Fiscal Year 2010/2011 to be increased by 1.5% based on the U.S. Department Consumer Price Index (CPI) factor of 2.8% for December 2009. **Moved by Rhoades, supported by Burton, to approve the recommendation by the Personnel Committee to increase staff salaries by 1.5%.** The Board discussed minor corrections to the document, the clarity of the report layout, the two staff whose salaries were cited as two parts, the established rates, and the salary level of the Township Assessor versus the other staff. Trustee Smith recommended doing research on commensurate salaries for Park Directors to ensure that Park Director Mark Fitzpatrick is paid appropriately for the outstanding job he is doing.

Moved by Smith to amend the motion to maintain the Assessor's salary at the current rate of \$50,796.00. Support by Westra. Yes - 7, No - 0; Amendment to motion carried.

Trustee Westra suggested investigating making the Parks Department available to accept contract work from other local communities, as long as the Parks Department staff is expanded accordingly and the Parks Director is compensated for the expansion. He also indicated that he would like greater detail in the salary information to ensure that the Township is getting the best competitive staffing rates, as well as determining costs against projects. Trustee Proos noted that the real costs are wages plus holidays, healthcare, and all other benefits; the real costs were not reflected in this report. Supervisor Haga noted that it could be generated.

Yes - 2, No - 5; Motion defeated.

TOWNSHIP INSURANCE COVERAGE

Supervisor Haga briefly reviewed the Township Insurance coverages. **Moved by Proos, supported by Westra, to contract with Trident Insurance for the Township liability package in the amount of \$29,367.00 as proposed.** The Board briefly discussed the lowering deductible levels and that this policy renewal is revisited annually. **Yes - 7, No - 0; Motion carried.**

RESOLUTION R-030810-2, RESOLUTION TO AMEND VARIOUS BUDGETS FOR FISCAL YEAR BEGINNING APRIL 1, 2009 THROUGH MARCH 31, 2010.

Moved by Westra, supported by Rhoades, to adopt Resolution R-030810-2, which is a Resolution to amend various ~~budgets~~ budgets for Fiscal Year 04/01/2009 - 03/31/2010. These budget amendments are for budget balancing for some over budget items, as well as incorporating departmental changes. **Roll Call: Yes - Westra, Proos, Smith, Sytsma, Burton, Rhoades, Haga. No - 0. Absent - 0. Resolution is adopted.**

M-21 BRIDGE REPLACEMENT PROJECT - REQUEST FUNDING FOR ENGINEERING CONSULTANT SERVICES

Based on an earlier meeting of local stakeholders, Supervisor Haga requested that the Board authorize retaining a transportation engineer to assist the Township in conducting a feasibility study of constructing a second bridge over the Grand River between Fulton Street and Pettis Avenue at a location between the DNRE boat launch and the Honey Creek Avenue / Pettis Avenue intersection. The second bridge would be used for detour traffic during the M-21 bridge construction and converted to non-motorized traffic after the M-21 project is completed. The request for the engineering consultancy fee is for \$10,000. 00; the amount is based on the best estimate from the meeting. **Moved by Proos, supported by Westra, to approve authorization of up to \$10,000.00 for a feasibility study of a permanent bridge at the old bridge location.**

Moved by Westra to amend the motion to obtain from any available source, at no cost to Township, any additional feasibility information that can be gathered regarding specific solutions from any company, such as Bailey Bridge Inc. Support by Proos.

The Board discussed briefly and decided this amendment was not necessary; this avenue could be pursued without needing an amendment. Trustee Westra agreed to give the contact information for his resource to Planning Director Jim Ferro for follow-up.

Amendment motion withdrawn by Westra.

Yes - 7, No - 0; Motion carried.

BOARD COMMENT

Supervisor Haga noted that former Clerk Millhuff has filed with the Board of Review regarding her unemployment compensation claim.

Supervisor Haga distributed a handout of the upcoming Parks Department events and programs for this spring and summer.

OPPORTUNITY FOR ADDITIONAL PUBLIC COMMENT

There was no additional Public Comment.

ADJOURNMENT

The meeting was adjourned at 10:54 p.m.

Respectfully submitted,

**Susan Burton
Ada Township Clerk**

RS/kj