

**ADA TOWNSHIP BOARD MEETING
MINUTES
JUNE 26, 2006**

Meeting was called to order by Supervisor Haga at 7:30 p.m. Members present: Supervisor Haga, Treasurer Pratt, Clerk Ensing Millhuff, Trustees: Damstra, Proos, Sytsma and Westra. Also present: Planning Director Ferro, Fire/Rescue Chief DuVall, Parks Director Tatar, Recording Secretary Smith and eight community members. Trustee Sytsma left due to family emergency at 9:15 p.m.

APPROVAL OF AGENDA

Moved by Westra, supported by Proos, to approve the agenda as presented. Motion carried.

GENERAL TOWNSHIP BUSINESS

CONSENT AGENDA:

Approval of Minutes

June 12, 2006, Regular Board Meeting

Receive and File Various Reports

1. Planning Commission Minutes - 05/18/06; 2. Building Permit Report - 05/06; 3. Zoning Administration Committee Report - 06/06.

Receive and File Various Communications

1. MTA Legislative Update Fax - 06/02/06 & 06/09/06; 2. Stepping-Stones-In Home Recreational Therapy - 6/13/06; 3. Kent County Detail - 06/06; 4. Utility Advisory Board (UAB) Minutes - 5/18/06; 5. Historical Society Minute s- 5/13/06; 6. Comcast - "On Demand" Services - 5/31/06; 7. Senator Levin - Cable Franchising - 5/23/06; 8. Paul, Pettis Matter - 6/12/06; 9. House Bill No. 840-Premption of Local Authority.

Moved by Westra, supported by Sytsma, to approve items on the Consent Agenda. Motion carried.

APPROVAL OF WARRANTS AND RECEIPTS

Treasurer Pratt presented Warrants and Receipts in the following amounts: Hand Checks: #101 \$25,256.38; #205 \$363.76; #208 \$473.79; #590 \$47.55; #591 \$873.58; #592 \$50.66. Total Hand Checks \$27,065.72. Warrants: #101 \$41,031.69; #205 \$26,173.77; #208 \$8,771.97; #249 \$34.60; #590 \$55,436.58; #591 \$110,934.99; #592 \$550.00. Total Warrants \$242,933.60. Total Checks and Warrants \$269,999.32.

Moved by Proos, supported by Sytsma, to approve the Warrant Report of June 26, 2006, in the amount of \$269,999.32. Haga noted the correct name on the last page (second from bottom) was William Bos (not Box) Greenhouse.

Roll Call: Yes - Sytsma, Westra, Ensing Millhuff, Haga, Pratt, Proos, Damstra. No - 0. Absent - 0. Motion carried.

PUBLIC COMMENT

There was no public comment.

BOARD COMMENT

Treasurer Pratt stated the tax bills would be going out this week, and payments could be made by mail, in person, debited to an account, or by a credit card.

Trustee Westra gave an update on the Charrette Committee, stating they had been working diligently since the selection of ACP and that they were making final plans for the plan and agenda. Frisbees had been ordered to distribute to promote the charrette.

Supervisor Haga added a meeting had been held to discuss funding, contacts were being made, and one donation of \$1,000 had been received so far.

Trustee Westra stated there was still no sign of remediation for the sewer break on Adaway. Supervisor Haga stated the area needed to be flagged and the flags had just arrived.

Clerk Ensing Millhuff announced absentee ballots had arrived for the August Primary and the handicap-accessible voting equipment chosen by the Secretary of State/ State Election Department and funded through the Help America Vote Act had arrived, and demonstrations of all voting equipment would take place during the month of July.

Supervisor Haga distributed copies of the annual Ada Water Quality Report and Grand Valley Estates Water Quality Report for 2005 and explained the reports would appear on the township website and would be mailed to all water customers.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

GARAGE DEMOLITION AT ROSELLE PARK

Supervisor Haga explained that the proposals had been prepared in-house and various bidders sought. The Parks Committee had reviewed the responses that had been received and recommended Demolition and Dumpsters (Cordes Inc.), in the amount of \$9,888. Copies of correspondence received today from Edith Pettis were distributed to board members.

PUBLIC COMMENT:

Edie Pettis, 1023 Pettis Avenue, stated prior to the ruling of the ZBA the Fire/Rescue Chief DuVall had informed the two highest bidders the material could not be brought to her recycling property; however, the lowest bidder Ron Cordes had not received the information, adding she believe the substantial difference in bids was due to the additional hauling of material. Ms. Pettis stated she had made a FOIA request but was told there was no document. She believed Tip Top was not legally able to receive concrete. Ms. Pettis stated she had been blackballed by the township and was appalled by the lack of ethics of some board and staff members.

Fire/Rescue Chief DuVall stated that he met all three contractors at the site and had advised all three the material was not allowed to go to the Pettis pit and it had to be disposed of per local, state and federal guidelines.

Clerk Ensing Millhuff stated she had asked for clarification and references regarding the low bidder and was told the concrete from the demolition would be *crushed* at the company's site. Fire/Rescue Chief DuVall responded that statement was correct.

BOARD COMMENT:

Trustee Westra stated how information is communicated to a vendor is wholly at the discretion of those who contract for services and those instructions are binding. He suggested that Ms. Pettis comments be disregarded as coming from someone litigating against the township and therefore had "an axe to grind".

Trustee Sytsma stated she too had questioned the disparity between the low bid and the two higher ones and it was her understanding the lower bidder did their own recycling of material. Trustee Sytsma added she trusted the park committee recommendation.

Trustee Proos suggested the applicants be re-interviewed prior to awarding a contract to insure fairness and clarification of the terms.

Clerk Ensing Millhuff stated it was important for the township to move forward on the Roselle Park property and curb further delays; suggesting the board approve the demolition with the stipulation the bid received would not change and clarification of terms were received. Adding, it was also important the township share information and equally apply policy.

Trustee Westra stated he would be in favor of approving the recommendation as long as there was an understanding as to the specific terms.

Supervisor Haga clarified Ada was not currently in litigation with Ms. Pettis, however, there was a dispute over zoning matters. Supervisor Haga stated he had instructed Chief DuVall to inform bidders the concrete from the demolition project would not be allowed to be delivered to the Pettis site. Supervisor Haga noted Olin Excavating did not complete the specifications in the return bid agreement nor was the bid signed. Adding, he did not know what Tip Top would be allowed to do as they were in Lowell Township, but he did recall seeing signs for the sale of crushed concrete.

Trustee Damstra stated there was a grant to pay for some of the project and there had been a lot of feedback from the community to get going on the park, but he did want to make sure the same standards were met.

Moved by Westra, supported by Proos, to approve the *recommendation* pending confirmation that the low bidder is advised of specific dump restrictions and agrees that the low bid in question will be handled per the original understanding.

There were additional board comments/questions regarding clarification with the contractor of the terms, possible recourse if the job is not completed correctly, requirement of a performance bond, unforeseen situations related to underground discoveries, and the current ZBA decision prohibiting dumping on the Pettis property.

Motion carried.

ENGINEERING SERVICES FOR ROSELLE PARK PROJECT

Supervisor Haga explained that OCBA was the developer of the Roselle Park master plan, and the Parks Committee recommended utilizing OCBA for the engineering services for the trail, overlook, striping the parking lot, restroom, litter receptacles, etc.

Moved by Pratt, supported by Sytsma, to approve the contract with OCBA for the engineering work in the amount of \$25,250, as related to the current Michigan DNR grant that has been approved by the State for the Roselle Park project. Motion carried.

RESOLUTION R-062606-1 - PLANNING COMMISSION RECOMMENDATION TO ESTABLISH MORATORIUM ON TOWNSHIP DEVELOPMENT PROJECTS

Planning Director Ferro explained on June 15, the Planning Commission had unanimously recommended the Township Board enact a township-wide moratorium to permit the Planning Commission to devote more time to the completion of the master plan update. He noted that there was one land division application pending before the Planning Commission.

Supervisor Haga noted correspondence had been received from Mary Abbott Cummings (regarding her application for land division) and from the attorney representing Clements Mill (regarding the court case settlement).

Moved by Westra, supported by Sytsma, to adopt Resolution R-062606-1, which is the Planning Commission's recommendation to establish a moratorium on township development projects.

PUBLIC COMMENT:

Susan Lovell, from Grand Rapids Township, on behalf of the purchaser of Mary Abbott Cummings' property, urged board members to consider the exception on the property as the application had already been submitted.

Edith Pettis, 1023 Pettis Avenue, questioned what the board would do to the value of real estate by not allowing residents to do business and not allowing residents to apply for building permits. She requested a letter of explanation from the township.

BOARD COMMENT:

Trustee Damstra stated the township has had numerous developments through the PUD structure and a huge influx of people that have developed property, and it has put a tremendous strain on the road system. He felt it was important to take time to think about what we're doing and what we want to do, and that it was not meant to restrict anyone's rights long term.

Clerk Ensing Millhuff questioned why the recommendation excluded commercial and industrial and not the P-1A zone; suggesting to be fair and to expedite the Master Plan Update Ms. Cumming's property be exempted and all zoning be included with the only exemption being the Planning Commission recommendation of less than 3 lots.

Trustee Westra asked about the Planning Commission's rationale for excluding commercial development; stating he agreed with a temporary moratorium for all zoning.

Trustee Proos stated if the moratorium was approved it would need to include all zoning including township properties.

There were additional questions and comments among board members regarding the exemption for pending applications, the Cummings property, Clements Mill exemption as submitted by legal counsel and amendments to the resolution.

Moved by Ensing Millhuff, supported by Sytsma, to provide amendments as presented in Item 1 of to include all zoning, to delete the original Paragraph C, add a new Paragraph C regarding Clements Mill, and add a new Paragraph D regarding site plans were received prior to June 26, 2006.

Moved by Sytsma, supported by Damstra, to change the date in Paragraph D of the amendment to June 30, 2006. Motion for the second amendment carried.

Motion for the first amendment carried.

Roll Call for main motion (as amended): Yes - Westra, Ensing Millhuff, Haga, Pratt, Proos, Damstra, Sytsma. Resolution adopted.

MOTION TO PROCEED INTO CLOSED SESSION TO DISMISS PENDING LITIGATION - RIETH-RILEY MATTER

Moved by Westra, supported by Pratt, to proceed into closed session to discuss pending litigation regarding the Rieth-Riley matter. Roll Call: Yes - Damstra, Proos, Pratt, Haga, Ensing Millhuff, Westra. No - 0. Absent - Sytsma.

Moved by Proos, supported by Damstra, to return to regular session.

OPPORTUNITY FOR ADDITIONAL PUBLIC COMMENT

There was no additional public comment.

ADJOURNMENT

The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

**Deborah Ensing Millhuff, CMC
Ada Township Clerk**

RSJS