

**ADA TOWNSHIP BOARD MEETING  
MINUTES  
AUGUST 9, 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 Proos (arrived at 7:56). Also present: Planning Director Ferro, Parks Director Mark Fitzpatrick, Fire Chief Jim DuVall, Recording Secretary Johnson, and eight community members. Members absent: Trustee Sytsma.

**APPROVAL OF AGENDA**

Supervisor Haga noted two changes to the agenda. Under "III.B - Receive and File Various Communications" two items were added: Item #9. Supervisor's Report for August – 08-07-2010, and Item #10. Non-Motorized Trail Construction Update – 08-06-2010. **Moved by Westra, supported by Rhoades, to approve the agenda as amended. Yes - 5, No - 0; Motion carried.**

**GENERAL TOWNSHIP BUSINESS**

**CONSENT AGENDA:**

**Approval of Minutes**

July 26, 2010, Regular Board Meeting

**Receive and File Various Reports/Communications**

1. Sherriff Report - Quarterly Statistics - 04/01/2010 - 06/30/2010; 2. Zoning Board of Appeals Minutes - 07/13/2010; 3. Downtown Development Authority Minutes - 07/06/2010; 4. Senior Neighbors - "Adventures in Aging" - 07/22/2010; 5. Kent County Housing Commission - 07/23/2010; 6. Grand River Expedition 2010 - Certificate of Appreciation - 07/2010; 7. REGIS Minutes - 06/30/2010; 8. Comcast Customer Service Guarantee - 07/21/2010; 9. Supervisor's Report for August – 08-07-2010; 10. Non-Motorized Trail Construction Update – 08-06-2010. **Moved by Smith, supported by Westra, to approve the Minutes and accept the reports and communications under the Consent Agenda with the correction of the spelling of Mr. Mike Lunn's last name to Lund. Yes - 5, No - 0; Motion carried.**

**APPROVAL OF WARRANTS AND RECEIPTS**

Treasurer Rhoades noted Item #33 was corrected from Elite Construction & Property to Election Service; the description and amount remained the same. In addition, the original Item #43 for Midstate Security Co DBA in the amount of \$720.00 has been moved to become an additional line entry under the original Item #46 for Office Staffing. The original item #43 was then deleted and the remaining items renumbered. The amount for the clerical service remains \$720.00. He then presented Warrants and Receipts in the following amounts: Hand Checks: #101 \$8,401.08; #205 \$454.58; #208 \$1,164.69; #248 \$355.14; #590 \$152.70; #591 \$152.70; #592 \$55.25; Total All Hand Checks \$10,736.14. Warrants: #101 \$29,953.20; #205 \$31,264.85; #208 \$8,910.78; #211 \$9,080.00; #248 \$325.93; #590 \$120,737.92; #591 \$164,766.33; #592 \$799.80; Total Warrants \$365,838.81. Total All Checks and Warrants \$376,574.95. **Moved by Trustee Smith, supported by Clerk Burton, to approve the Warrant Report for August 9, 2010, in the total amount of \$376,574.95.**

The Board discussed current payment by conventional check versus the potential cost savings on checks and postage if electronic payment is available without cost. Treasurer Rhoades stated he would check with the banker on the cost.

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

**PUBLIC COMMENT OTHER THAN AGENDA**

Steve Ryan, 86 Carl Drive NE, is the owner of Ryan's Modern Sewer Cleaning, which has provided water and sewer services to the Township for 27 years. In addition, he has also been a paid on-call fireman for Ada Township for 21 years. He receives approximately \$1,500.00 per year for his fire fighting and rescue service. However, with the recent focus on potential conflicts of interest, he may have to reconsider his volunteer work with the Township because his business must be a priority. He noted other businesspersons may decide against Township volunteer work or may elect to move to protect their business interests. He cautioned against direct or indirect accusations of collusion.

Brian Schiffelbein, 7247 Bronson Street, is a citizen of Ada and serves on the Ada Ethics Board. He stated the Board has struggled for years to establish validation and recent actions by certain Board members has undermined that validation. He read from recent emails by Trustee Westra obtained through Freedom of Information Act requests. Mr. Schiffelbein characterized the emails as threatening and he castigated Trustee Westra's actions in sending the emails as intolerable in elected officials. He called for Trustee Westra's resignation. He further stated he felt the bullying and threats in an attempt to influence votes should be investigated by the Board, the Township attorneys, and the East Precinct for possible criminal implications.

Frank Hoover, 700 Marbury Street, commented on the attendance records of some of the Board members. He stated infrequent absence was understandable, but the high level of absenteeism of a few of the Board members was unacceptable. The Board members were elected and paid to do a job.

Bill Wood, 8060 Vergennes, cited several legal precedents and State of Michigan rulings regarding the issue of conflict of interest and the holding of two positions in the same municipality. He encouraged the Board to work with the Township attorneys to examine the applicability and identify and address any liabilities pertaining to conflict of interest. He specifically noted the dual position of Township Supervisor and Board Member may conflict with the position of Utility Director. He encouraged immediate commencement of escrow for the Utility Director wages to prevent any liability while the Township attorneys further investigate this issue.

#### **BOARD COMMENT**

Trustee Westra requested Supervisor Haga provide a status update during his Board comments on competitive alternatives to REGIS for the GIS service.

Trustee Westra stated a Township resident had contacted him to express appreciation for the Ada Township Fire Department's outstanding handling of the recent emergency incidents.

Regarding the incident related to his emails, Trustee Westra noted he had apologized for his language in the emails at the previous Board meeting and clarified his apology was only for the intemperate nature of his remarks and not for his position or intention to hold the Board accountable for their fiduciary responsibility. He indicated Ryan's Modern Sewer Cleaning had not had a contract for their 27-year history with the Township. Services were provided based on a handshake agreement; those services currently are approximately \$250,000.00 per year. Trustee Westra stated his remarks grew out of frustration with the situation and were not an ethical violation. He was very angry at the Board's inaction and poor attendance record. He did not feel the Board members were fulfilling their oath.

In regards to the suggestion made by Lieutenant Steve Chanter from the East Precinct at the last Board meeting that the Township develop a joint solicitation policy with Cascade and Grand Rapids Townships, Trustee Smith inquired if the Planning Directors of the three municipalities have regular meetings to discuss policing issues pertinent to all three communities. Planning Director Ferro indicated there are no regularly scheduled meetings, but they do communicate as needed.

Clerk Burton was pleased to report the Ada Township voter turnout for the recent election was 35.36%. The referendum on the helicopter ordinance may have contributed to the turnout. The referendum passed with 1,721 YES votes (56.6%) and 1,349 NO votes (43.9%).

Clerk Burton indicated she was offended by Trustee Westra's comments regarding the commitment of the Board members. The Board members strive to serve well and the constant criticism makes it difficult.

Treasurer Rhoades requested Supervisor Haga check the maintenance work schedule on the repaving on McCabe and Dogwood off Pettis.

Treasurer Rhoades stated the Planning Commission is scheduled to hold a public hearing at 7:30pm on Thursday, August 12th, regarding an amendment to the industrial district building height regulations.

Supervisor Haga stated the Kent County Road Commission will be starting an intersection improvement project on August 16th at the intersection of Hall, Cascade, and Spaulding. The project should be finished on September 25th.

Trustee Proos arrived at 7:56 pm.

Trustee Proos apologized for his tardiness; he had locked his keys in his car.

Trustee Proos distributed a document for disclosure regarding his ownership of Fire Pros Inc, which provides services to the Township. He also noted the Minutes for the July 26th meeting had cited his company as "Fire Proos", when the correct name is "Fire Pros Inc".

#### **UNFINISHED BUSINESS**

There was no Unfinished Business.

#### **NEW BUSINESS**

##### **SNYDER FIREWORKS PERMIT REQUEST**

Fire Chief DuVall presented the permit request to the Board. The appropriate paperwork has been submitted and all is in order. **Moved by Westra to approve the Snyder fireworks permit application. Support by Rhoades.** The Board discussed the plan to have a fire vehicle standing by based on the weather.

**Yes - 6, No - 0; Motion carried.**

**REPLACEMENT JOHN DEERE 1420 TRACTOR**

Fire Chief DuVall presented the purchase request to the Board; Parks Director Mark Fitzpatrick was also available to answer questions. The John Deere 1420 Tractor was purchased in 2002 and has been in year-round use ever since. The tractor is used for mowing and sweeping in the summer and for snow removal in the winter. There are three different pieces of equipment that can be attached to the tractor: a mower deck, a rotary broom, and a snow blower. The tractor currently needs repairs to the right rear axle and wheel. The item is in the Capital Improvement Plan for replacement next year and would have been part of the 2011/2012 budget. However, as the mechanic was unwilling to give an estimate on the expected lifespan of the vehicle if the repairs are made, and Fillmore Equipment is willing to accept it in the current damaged condition as part of a trade-in, and because the vehicle availability is critical for winter snow removal, it is recommended to replace the tractor at this time. **Moved by Smith to approve the purchase of a John Deere 1420 tractor with attachments from Fillmore Equipment in the amount of \$21,183.96. Support by Rhoades.** The Board discussed the hours the tractor has been in use and the growing number of hours and uses for the tractor. It was noted that approval of the purchase would then require the budget to be amended. The Board also discussed if the state-negotiated pre-arranged contracts provide the best pricing in this economy. It was suggested to explore if greater value can be obtained through a reverse auction as opposed to trade-in value. The Board also considered the timing for completing the needed repairs and waiting to purchase until originally stipulated by the Capital Improvement Plan.

**Yes - 5, No - 1; Motion carried.**

**2010 TAX RATE REQUEST L-4029**

Supervisor Haga presented the 2010 Tax Rate request to the Board. He noted the total with or without the truth in taxation hearing are the same due to the loss in property value. The rates are:

	Proposed 2010	Actual 2009
Operating	0.9165	0.9144
Fire/Police	0.9955	0.9955 (no change)
Parks	0.2448	0.2442
Lands/Parks	0.3963	0.3954
Non-Motorized Trails	0.4977	0.4965

The Board discussed the net impact of the changes on the residents, given the actual decrease in assessed value. The Board also considered the importance of a comprehensive search for every opportunity for cost-cutting to ensure taxes are not increased unnecessarily. The Board discussed the viability of the budget without adopting rate increases.

**Moved by Westra to maintain the 2009 millage rates: Operating 0.9144, Fire/Police 0.9955, Parks 0.2442, Lands/Parks 0.3954, and Non-Motorized Trails 0.4965. Support by Proos.**

**Yes - 6, No - 0; Motion carried.**

**OPPORTUNITY FOR ADDITIONAL PUBLIC COMMENT**

Brian Schifflbein, 7247 Bronson Street, stated he had earlier asked for Trustee Westra's resignation; he was not pleased with Trustee Westra's non-verbal response. He stated there was great frustration on the part of the public in attending meetings and not seeing anything being done. He reminded the Board the Bronson Street project has been pending for 20 years. He noted the attendance records since January 2007 obtained through the Freedom of Information Act had indicated Trustee Sytsma had missed 18 of the approximately 80 meetings listed and Trustee Proos had missed 14.

**ADJOURNMENT**

The meeting was adjourned at 8:45 p.m.

**Respectfully submitted,**

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**Susan Burton  
Ada Township Clerk**

RS/kj