

**ADA TOWNSHIP BOARD MEETING
MINUTES
OCTOBER 26, 2009**

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, Fire Chief DuVall, Township Engineer Groenenboom, Recording Secretary Johnson and thirty-five community members. Members absent: none.

APPROVAL OF AGENDA

Motion to approve revised agenda as presented. Moved by Westra, supported by Rhoades, to approve the revised agenda as presented. Yes – 7, No – 0; Motion carried.

GENERAL TOWNSHIP BUSINESS

CONSENT AGENDA:

Approval of Minutes

October 12, 2009, Regular Board Meeting

Receive and File Various Reports/Communications

1. Planning Commission Minutes - 9/17/2009; 2. DDA Minutes - 9/8/2009; 3. Open Space Preservation Advisory Board minutes - 9/10/2009; 4. Building Permit Trends – 10/9/2009; 5. Ada Historical Society Minutes - 9/12/2009; 6. MTA Legislative Update Fax - 10/2/2009, 10/9/2009, 10/16/2009; 7. Utility Advisory Board Minutes - 9/17/2009. 8. Comcast Channel Lineup - 10/9/2009; 9. Trustee Sytsma Residency Letter - 10/22/2009; 10. October Supervisory Report - 10/2009. **Moved by Westra, supported by Rhoades, to approve the Minutes and accept the reports and communications under the Consent Agenda.** Trustee Smith asked that the record of the meeting be reviewed; the Minutes recorded the amendment to the motion to approve the Downtown Development Authority (DDA) bylaws as presented was made by Trustee Sytsma. Trustee Smith indicated that was incorrect, as she had made the amendment to the motion. Upon reviewing the audio recording, it was determined Trustee Smith was correct: the amendment to the motion referenced was made by Trustee Smith and not by Trustee Sytsma (audio time: 45:48 – 46:15). **Yes – 7, No – 0; Motion carried.**

APPROVAL OF WARRANTS AND RECEIPTS

Treasurer Rhoades presented Warrants and Receipts in the following amounts: Hand Checks: #101 \$7,613.94; #205 \$849.73; #208 \$1,170.71; #590 \$522.08; #591 \$344.68; #592 \$10.58; Total All Hand Checks \$10,511.72. Warrants: #101 \$34,375.66; #205 \$3,952.84; #208 \$5,422.19; #211 \$46,028.81; #213 \$3,200.00; #248 \$471.12; #590 \$87,408.24; #591 \$176,005.47; #592 \$7,154.93; Total Warrants \$364,019.26. Total All Checks and Warrants \$374,530.98. Treasurer Rhoades noted a correction to the distributed Warrant Report. Item #19 for \$15.45 will be removed; the affected amounts have been adjusted. **Moved by Proos, supported by Sytsma, to approve the Warrant Report for October 26 2009, in the amount of \$374,530.98. Roll Call: Yes – Sytsma, Proos, Smith, Westra, Rhoades, Burton, Haga. No - 0. Absent - 0. Motion carried.**

PAY APPLICATION 2, PHASE III NON-MOTORIZED TRAIL PROJECT CONTRACT #4

Supervisor Haga indicated Township Engineer Steve Groenenboom was scheduled to be present at 8:00 pm. **Moved by Westra, supported by Burton, to table action on Pay Application 2, Phase III Non-Motorized Trail Project Contract #4 until Township Engineer Groenenboom is present. Yes - 7, No - 0; Motion carried.**

PUBLIC COMMENT OTHER THAN AGENDA

There was no Public Comment.

BOARD COMMENT

Trustee Westra inquired on the status of the project job costing in the BS&A.Net system. Supervisor Haga indicated three projects have been set up and summary data is being collected.

Trustee Smith commended the Sheriff's Department for their responsiveness and the citizens for their observations, which led to the arrest of the break-in suspects.

Trustee Westra inquired as to progress on the Community Media Center discussion and consideration of possible alternative vendors, particularly in light of the upcoming Christmas Parade. Clerk Burton indicated other vendors have not been contacted yet, but should happen in the next week or two.

Trustee Proos extended congratulations to Parks Director Mark Fitzpatrick and his staff on the successful cleanup day; he expressed his appreciation for the detailed breakdown of the cleanup provided.

Trustee Proos noted the importance of considering the building permit trends in evaluating potential future Township income; he thanked Planning Director Jim Ferro for providing that information to the Board and recommended the Planning Commission, Capital Expenditure Committee, and the Board keep an eye on taxes and income as they make budget decisions.

Trustee Proos also asked Planning Director Ferro to check on the status of the stockpiling on the Koenig property to ensure Rieth-Riley is still within their contract limitations.

Treasurer Rhoades indicated notices should be sent out to business owners to remind them to keep sidewalks cleared of snow for pedestrians. The notices need to be sent soon, as business owners are beginning to consider winter snowplow contracts.

Supervisor Haga updated the Board with the status of the cell-to-cell forced main survey project. The areas for drilling have been marked and the actual survey should commence the week of November 2. The report will be received this year, but unless something major is found, repairs will not begin this year.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

FIRE STATION 2 RAIN GUTTERS

Fire Chief Jim DuVall presented the replacement of rain gutters at Fire Station 2. The existing gutters are failing and need to be replaced. Three bids were obtained. Given the variations between the bids, Fire Chief DuVall presented an overall cost per foot to allow side-by-side comparison. **Moved by Proos, supported by Smith, to accept the recommended quote for Gutter Pro to replace gutters on Fire Station 2.** Given that the Fire Department already has the ladders, etc. for access, Trustee Proos suggested that the maintenance for gutter cleaning should be handled by the fire department staff as a training exercise. **Moved by Proos to amend the motion to exclude the leaf guard in the amount of \$702.00 for a revised quote of \$2,963.10. Support by Westra.** The Board discussed access to the gutters for cleaning and the comparative cost of the leaf guards. Clerk Burton observed the cost of the leaf guard should be compared to the cost of the Fire Department labor for the gutter maintenance. **Yes – 5, No – 2; Amendment to the motion carried. Yes – 7, No – 0; Motion as amended carried.**

BRUSH BAR AND WINCH FOR 2009 SUBURBAN

Fire Chief Jim DuVall outlined the request for the addition of a brush bar and winch to the 2009 Chevrolet Suburban. The original Board approval for the purchase of the vehicle included \$1,500.00 for the eventual addition of the brush bar and winch. However, it has turned out that a change to the body style in the 2009 Suburban model has resulted in a higher cost for the addition. Two quotes were obtained; both vendors use the same brand. No other manufacturer of this equipment can be used with a 2009 Chevrolet 2500 Suburban could be located. **Moved by Smith, supported by Sytsma, to accept the recommended quote for Special FX, Inc. for the purchase of a brush bar and winch to the 2009 Chevrolet Suburban in an amount not to exceed \$3,189.95.** Treasurer Rhoades inquired if the purchase price would be tax exempt; Fire Chief DuVall confirmed that was the case. Trustee Proos asked if the headlights needed to be moved to accommodate the grill guard. Fire Chief DuVall said it did not; it was bolted to the frame underneath. Supervisor Haga asked for confirmation the quote included installation, which Fire Chief DuVall said is the case. **Yes – 7, No – 0; Motion carried.**

SENSUS AUTOREAD HANDHELD DEVICE/PROGRAMMER PURCHASE

Supervisor Haga presented the purchase request for the Sensus AutoRead Handheld Device/Programmer, which is used to collect utility readings. Supervisor Haga had planned to provide for the replacement purchase in the next budget cycle, but the unit is broken and the temporary replacement unit from the vendor is also no longer working. Etna Supply Company is the authorized Sensus dealer in the state of Michigan, and the Township equipment is Sensus, which is not compatible with other systems. **Moved by Proos, supported by Sytsma to authorize the purchase of a new Sensus meter reader with charging stand and AutoRead software from Etna Supply Company in the amount of \$6,275.00 to replace the broken unit.** Supervisor Haga noted some of the current meters are manual, some are touch pad, and some are radio-read. The Township is slowly converting them all to radio-read. Supervisor Haga cited two specific advantages provided with Etna Supply Company: they provide software upgrades as well as provide phone and on-site support. Trustee Westra encouraged consideration of purchasing from a different vendor, if a favorable price is available, even if the purchase has to be from outside the state or a non-authorized vendor. Trustee Smith noted Etna Supply Company had also provided the first temporary replacement unit. Trustee Proos urged swift action by the Board to ensure uninterrupted service. **Yes – 6, No – 1; Motion carried.**

PROPERTY DIVISION MORATORIUM EXCEPTION REQUEST – VANDERWARF PROPERTY, HONEY CREEK AVENUE

Katy VanderWarf-Boggs of 7667 2 Mile is one of the owners of the VanderWarf property located at 2025 and 2200 Honey Creek Avenue; she presented the exception request to the Board. The owners had been working with the Township to enter into a conservancy agreement. The offer from the Township was not accepted, so the owners are now seeking to sell the property.

The proposed splits were drafted three days before the moratorium came before the board and was approved. The owners request the application be exempted from the moratorium. **Moved by Westra, supported by Proos to approve the request for an exemption for the VanderWarf Property on Honey Creek to the moratorium instituted by Resolution R-092809-1.** Trustee Proos asked Planning Director Ferro if the proposed lot divisions meet requirements. Planning Director Ferro indicated at first glance the lot sizes met requirements, but there may be questions on driveway locations. He noted there has been no actual application yet, and there has not yet been any formal review. Trustee Proos reminded the Board the original intent of the moratorium was to prevent a rush of applications. He raised the possibility of moving the zoning change review process faster to potentially end the moratorium sooner than planned. Planning Director Ferro indicated the Planning Commission is moving forward smoothly. At this point, action has been postponed in response to public comment at the public hearing. There is a special meeting on Wednesday, October 28th to allow further discussion and deliberation of the proposed zoning changes. In response to Trustee Smith's question, Planning Director Ferro confirmed the Township Board is only voting on approval of exemption to the moratorium, not on the zoning application itself. Supervisor Haga clarified this request for exemption does not yet have a purchase agreement in place, unlike the two earlier exemptions. Treasurer Rhoades, Trustee Smith, and Trustee Westra all noted the family had been working with the Township to establish a conservancy agreement, but the agreement did not go forward. **Yes – 5, No – 2; Motion carried.**

REQUEST TO RESCIND EXCEPTION TO PROPERTY DIVISION MORATORIUM GRANTED 10/12/2009

Pam Bevak, 9020 Bailey Drive, presented the request to rescind the 9070 Bailey Drive exception to the property division moratorium that was granted 10/12/2009. Ms. Bevak read from a petition signed by neighbors of the 9070 Bailey Drive property. The petition argued that exemption of 9070 Bailey Drive from the moratorium instituted by Resolution R-092809-1 contradicted the intent of the moratorium to allow orderly development of new density standards and the exemptions created favoritism for some property owners.

Supervisor Haga opened the floor to public comment on the request to rescind the exception.

PUBLIC COMMENT ON REQUEST TO RESCIND EXCEPTION TO PROPERTY DIVISION MORATORIUM GRANTED 10/12/2009

Rick Bevak, 9020 Bailey Drive, stated the intent was not to create hardship for any of the residents. The impact is not only on the sellers and buyers, but also on the neighbors adjacent to the property. He recommended the revisions to the zoning regulations be completed, and then the zoning applications could be resumed under the revised regulations. He said instituting the moratorium and then granting exceptions was unjust.

Troy Schrock, purchaser of the 2652 Egypt Valley Drive property (granted exemption to the moratorium), stated he has already proceeded with building permits, surveying, etc. on the property based on the approval of the exemption to the moratorium. He noted the purchase agreement was approved prior to the moratorium and the application was in line with zoning regulations prior to the moratorium. He concluded by noting the work being performed is bringing revenue to the Township.

Steve Hanson spoke on behalf of Scout Builders, Inc., which has the purchase agreement on 9070 Bailey Drive. He concurred with Mr. Schrock's comments. Scout Builders has also been moving forward and investing time and capital in the project based on the approved exemption. He acknowledged the neighbors may not be happy with the new development, but said the process had begun in June and the development only includes a remodel of the farmhouse and the addition of two nice homes in the woods.

Dale McRae, 2652 Egypt Valley Avenue, is the owner of the property selling to Mr. Schrock. He briefly reviewed the use and purchase history of the Egypt Valley property and spoke about the positive aspects of having been able to raise his family in Ada on the Egypt Valley property. He said the property has always been developed and used in accordance with Ada Township regulations and this sale was a market-driven sale that was begun well in advance of the recent Board moratorium. He strongly urged the Board to reaffirm the earlier granted exception.

Ron Hudson, real estate agent and broker for the 2652 Egypt Valley Avenue property, pointed out the Egypt Valley transaction had had no complaints, and the sale and split were market-driven. He noted the decision to grant the exception had been unanimous at the last Ada Township Board meeting.

John Flyte, 9110 Twin Oakes Lane, indicated he had signed the petition against the exemption for 9070 Bailey Drive. He argued the Board should not differentiate between developers and the moratorium should apply to all equally. Development is often about money, but the intent of the moratorium was to allow thoughtful consideration before proceeding.

Don Phillips spoke on behalf of the property owners of 9070 Bailey Drive. The changes requested in the split are consistent with the surrounding property and with what has been done over the years.

Troy Schrock, purchaser of the 2652 Egypt Valley Drive property, spoke again. He indicated his purchase was not about development money, but was about being able to afford living in Ada, which he loves. He said land values would rise considerably if certain changes were made to the zoning laws, and fewer people would be able to afford Ada property.

**BOARD COMMENT ON REQUEST TO RESCIND EXCEPTION
TO PROPERTY DIVISION MORATORIUM GRANTED 10/12/2009**

Moved by Westra, supported by Smith to reject the request to rescind the exceptions made on October 12, 2009 for 9070 Bailey Drive and 2652 Egypt Valley Drive to the property division moratorium established by R-092809-01. Trustee Westra noted both of the exceptions had pending sales at the time of the moratorium; the exceptions were in line with statewide precedent. Trustee Smith stated the purpose of the moratorium was to prevent large-scale development. Although she did not support the moratorium, she felt the exemptions were not against the spirit of the moratorium and were appropriately approved. Overturning the exemptions at this point would be unfair to the sellers and purchasers. **Yes – 7, No – 0; Motion carried.**

MILLHUFF UNEMPLOYMENT BENEFITS REDETERMINATION REQUEST – DISCUSSION / DIRECTION

Supervisor Haga presented the Millhuff Unemployment Benefits Redetermination Request to the Board. Supervisor Haga, Clerk Burton, and Trustee Westra had been in contact with the Michigan Township Association (MTA) for comments and feedback regarding this matter. Note for clarity: Ms. Deborah Ensing Millhuff was previously Clerk Millhuff. Supervisor Haga had distributed their response to the Board, along with documents from council pertaining to the issue. The guidance supports that statutes exclude elected officials from eligibility to collect unemployment if they are not re-elected. **Moved by Proos, supported by Burton, to proceed with all legal expediency to pursue a protest of the Millhuff Unemployment Benefits Redetermination with the estimated costs of \$810.00 for the protest letter and an additional \$1,620.00 for a hearing before an Administrative Law judge, if the matter proceeds to that point.**

Supervisor Haga opened the floor to public comment on the Millhuff Unemployment Benefits Redetermination.

**PUBLIC COMMENT ON MILLHUFF UNEMPLOYMENT BENEFITS
REDETERMINATION REQUEST – DISCUSSION / DIRECTION**

Deb Emery, 7534 Fase Street, indicated this state-level decision was only applicable to the non-elected duties, which was determined to be 65% of the job, and not for the elected duties.

**BOARD COMMENT ON MILLHUFF UNEMPLOYMENT BENEFITS
REDETERMINATION REQUEST – DISCUSSION / DIRECTION**

Trustee Proos expressed deep dissatisfaction with the poor quality of the state review of benefit claim, the determination, and the slow speed of the review. Trustee Westra noted the roles of the Supervisor, Clerk, and Treasurer are narrowly defined in the law. He urged the Board to specifically document and assign the additional duties that are part of the Supervisor, Clerk, and Treasurer Positions, which are not outlined in the narrow confines of the law. He felt the State Unemployment Office had not followed the statutes governing unemployment and elected officials, but also felt further delineating, documenting, and assigning the non-statutory aspects of the jobs would provide both clarity and future protection. Supervisor Haga clarified the job of Utility Director is an appointed job by the Township on record, and is an assignment of additional duties. Trustee Proos expressed concern a detailed list of responsibilities would lead to a restrictive, legalistic work atmosphere; he felt the duties were understood and the statutes adequately excluded the elected positions from eligibility for unemployment compensation. He said the issue at hand was the current Redetermination request and the State had failed in their review.

Moved by Westra to amend the motion to require a listing on non-statutory duties be prepared for the Supervisor, Clerk, and Treasurer, updated and approved by the Ada Township Board to coincide with the motion. Motion died due to lack of support.

Supervisor Haga pointed out the importance of protecting the interests of the Township. It is important to communicate elected officials are not eligible for unemployment. Trustee Proos commented on Trustee Westra's motion to amend and indicated he did not disagree with the notion of preparing a list of non-statutory duties, but it was a separate issue. Trustees Smith and Sytsma concurred. Clerk Burton also noted there was a time issue integral to the response to the unemployment redetermination. Treasurer Rhoades reminded the Board roughly 20 years ago Ada Township had addressed this issue when Ken Anderson received unemployment for his non-elected duties, so this is not an entirely new precedent. He said the State does not appear to be looking ahead and considering how this determination affects claims in the future. The Board discussed if the earlier case was directly parallel to the current case. **Yes – 6, No – 1; Motion carried.**

NON-MOTORIZED VEHICLE TRAIL LICENSE AGREEMENT WITH KENT CONSERVATION LEAGUE

Planning Director Ferro presented the agreement to the Board. The proposed license agreement with the Kent County Conservation League (KCCL) grants a license for the Ada Township Non-Motorized Vehicle Trail along Conservation Street to extend onto a portion of the KCCL property. The trail location is proposed to be moved approximately 15-20 feet off the Conservation Street pavement to avoid trees along the road frontage and to place the trail a greater distance from the road to reduce traffic risks and to lessen conflicts with snow removal from the road. There is no license fee for the agreement. **Moved by Westra, supported by Sytsma, to approve the non-motorized vehicle path and sidewalk license agreement with Kent County Conservation League for the Ada Township trail project.** Trustee Westra commended Planning Director Ferro and the others involved for this wonderful example of cooperative planning. **Yes – 7, No – 0; Motion carried.**

PAY APPLICATION 2, PHASE III NON-MOTORIZED TRAIL PROJECT CONTRACT #4

Township Engineer Steve Groenenboom was now present; Supervisor Haga called for a motion to remove the tabled item and place it into the agenda. **Moved by Westra, supported by Sytsma, to remove Pay Application 2, Phase III Non-Motorized Trail Project Contract #4 from the table and place it into the agenda as the next item. Yes - 7, No - 0; Motion carried.**

Township Engineer Steve Groenenboom began by presenting a bi-weekly update on the non-motorized trail construction. Overall, things have been going very well. The 1.1 mile section on Honey Creek is complete with the exception of the boardwalk at the south end near Conservation. The retaining wall contractor continues to work on the large wall on McCabe. The contractor continues grading the path and placing sand and gravel on Conservation. The goal is still to have all of Conservation and McCabe paved by November 15th. The project budget is monitored closely. In addition to the DEQ-required boardwalk discussed in June, there have also been unexpected costs for additional tree removal (particularly on Honey Creek), muck removal (on McCabe), and additional sand to correct poor sub grade conditions. These costs will be covered by the project contingency allocation and do not push the project above the not-to-exceed amount already approved by the Board.

Township Engineer Groenenboom reported an Ada resident has offered to fund a portion of the cost if a covered bridge is constructed over one of the Honey Creek crossings on Conservation Street. The bridge appears to be feasible from a permit and easement standpoint, but the additional costs would be \$25,000.00 - 30,000.00. The Township has secured \$15,000 in donations for the bridge, but leaves at least a \$5,000.00 shortfall. Township Engineer Groenenboom requested the Board consider this offer and provide direction in the next few weeks.

Township Engineer Groenenboom presented Pay Application #2. **Moved by Westra, supported by Smith, to approve Pay Application #2 to Katerberg-Verhage for the non-motorized trail project contract #4 in the amount of \$183,624.82.** Trustee Westra inquired if the excess topsoil being removed could potentially be made available for the residents. He also said the generous offer for the covered bridge was great and the Township should support efforts to gather donors, but it should not become a publicly funded addition to the non-motorized trail project. Trustee Proos requested the changes cited be spelled out in the change orders in the future. Trustee Smith suggested the Ada Parks Department and possibly the Fire Department be contacted if there is excess topsoil, peat, etc. to be removed, as those Departments may have need of such materials and transferring the material could mitigate the purchase costs to the Township. Supervisor Haga and Township Engineer Groenenboom said they would work on this together. Trustee Sytsma inquired if the construction process had uncovered any glacial erratics. Township Engineer Groenenboom indicated only 3-4 had been found, which are not sufficient to use in landscaping, etc. **Yes - 7, No - 0; Motion carried.**

OPPORTUNITY FOR ADDITIONAL PUBLIC COMMENT

Deb Emery, 7534 Fase Street, cited a list of legal actions taken by Ada Township and the outcomes. She stipulated many of these actions were unnecessary costs, a violation of law, or resulted in a loss of voter rights.

ADJOURNMENT

The meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Susan Burton
Ada Township Clerk

RS/kj