

**ADA TOWNSHIP BOARD MEETING
MINUTES
OCTOBER 12, 2015**

Meeting was called to order by Clerk Burton at 7:00 p.m. Members present: Supervisor Haga, Clerk Burton, Trustee LeBlanc, Trustee Proos, Treasurer Rhoades, Trustee Jacobs, and Trustee Smith. Also present: Planning Director Ferro, and nine community members.

APPROVAL OF AGENDA

Supervisor Haga noted three items to be added to the Agenda under New Business: C. Resolution R-101215-2, Authorization Request for Application for Special Liquor License; D. Township Clerk Vacancy Rating Report; E. Joint Work Session Scheduled for October 22, 2015, Draft Agenda.

Motion by Jacobs, supported by Proos, to approve the Agenda as amended. Motion carried.

GENERAL TOWNSHIP BUSINESS

CONSENT AGENDA

Approval of Minutes

September 18, 2015 Regular Board Meeting

Receive and File Various Reports/Communications

1. Fire Department Activity Report-9/15; 2. Ada Township-Pettis Letter-10/2/15; 3. Kent District Library 2014 Annual Report-10/1/15; 4. Roselle Park Building Progress Report-9/9/15, 9/23/15.

Motion by Rhoades, supported by LeBlanc, to approve the Minutes and Accept the Reports and Communications under the Consent Agenda. Motion carried.

APPROVAL OF WARRANTS

ADA TOWNSHIP GENERAL WARRANTS

Treasurer Rhoades reported the general township warrants, with receipts in the following amounts: Hand Checks: #101 \$2,003.93; #205 \$1,017.13; #208 \$16,015.06; #590 \$36,027.30; #591 \$33,420.62; #592 \$873.85. Total all Hand Checks: \$89,357.89; Warrants: #101 \$21,383.08; #205 \$29,316.89 #208 \$6,352.46; #248 \$101.36; #590 \$122,520.18; #591 \$129,034.44; #592 \$630.50. Total Warrants: \$309,338.91. Total All Checks and Warrants: \$398,696.80.

Motion by LeBlanc, supported by Smith, to approve the Warrant Report of October 12, 2015 in the total amount of \$398,696.80. Roll Call: Yes – Jacobs, Smith, LeBlanc, Proos, Rhoades, Burton, and Haga; No – 0; Absent – 0. Motion carried.

CARL CREEK CROSSING BRIDGE

Supervisor Haga stated this was approved in June of 2014; the project was delayed due to finishing the trails. In the process of building the bridge there was a tree that had to be removed, which resulted in a \$1,800.00 add-on for tree removal and disposal. He stated the bridge and trail are now open.

Motion by LeBlanc, supported by Jacobs, to approve the invoice payable to Thomet Custom Construction for construction of the Carl Creek Crossing Bridge, in the total amount of \$21,300.00. Roll Call: Yes – Jacobs, Smith, LeBlanc, Proos, Rhoades, Burton, and Haga; No – 0; Absent – 0. Motion carried.

PAY APPLICATION #2 – ROSELLE PARK RESOURCE BUILDING

Ken Dixon, Dixon Architecture, stated he was recommending payment of pay application #2 in the amount of \$100,951.75. He reviewed the work that has been done up to this point, and stated they are about two weeks behind, so the completion date should be the end of April/beginning of May; with the live roof being done in June.

Motion by Proos, supported by Smith, to approve Pay Application #2, payable to TerHorst & Rinzema Construction, for construction of the Roselle Park Resource Building, in the total amount of \$100,951.75. Roll Call: Yes – Jacobs, Smith, LeBlanc, Proos, Rhoades, Burton, and Haga; No – 0; Absent – 0. Motion carried.

PUBLIC COMMENT

None.

BOARD COMMENT

Trustee Proos stated he is very impressed with the look of the village as it is coming together.

Supervisor Haga noted the Special Board Meeting to be held on October 19th at 7:00 p.m. to interview for the Township clerk vacancy.

UNFINISHED BUSINESS

None.

NEW BUSINESS

RESOLUTION R-101215-1, ADA 401 (a) DEFINED CONTRIBUTION PLAN

Supervisor Haga stated the IRS requires that periodically our group retirement plan must be restated with any amendments. He stated the resolution set forth insures that any changes we have made are incorporated into this redrafted defined contribution plan.

Motion by LeBlanc, supported by Jacobs, to approve Resolution R-101215-1, Ada 401 (a) Defined Contribution Plan. Roll Call: Yes – Jacobs, Smith, LeBlanc, Proos, Rhoades, Burton, and Haga; No – 0; Absent – 0. Resolution adopted.

RESOLUTION R-101215-2, AUTHORIZATION REQUEST FOR APPLICATION FOR SPECIAL LIQUOR LICENSE

Austin Langlois, Amway Public Relations, stated he is presenting a new event called “Brats & Bonfires” to celebrate opening of the new Headley Street. This will be a street party with brats, beer, cider, live music and entertainment to get the community excited about the construction and progress. He stated this will be held November 12th, 6:00 to 9:00 p.m.

Supervisor Haga stated this will be handled the same as for the Beers at the Bridge, with all expenses incurred being reimbursed, such as insurance and bonds, alcohol, etc.

Motion by Smith, supported by LeBlanc, to approve Resolution R-101215-2, Authorization Request for Application for Special Liquor License, to hold “Brats & Bonfires”. Roll Call: Yes – Jacobs, Smith, LeBlanc, Proos, Rhoades, Burton, and Haga; No – 0; Absent – 0. Resolution adopted.

TOWNSHIP CLERK VACANCY RATING REPORT

Supervisor Haga stated seven applications and/or resumes were received for this open position: Lisa Castro, Lisa Verburg, Jackie Smith, Brandon Holmes, Dolores White, Pamela Bush, and Jeanine Riemersma. He asked whether the Board wanted to use the process that was approved, which called for six interviews, or would the Board want to interview the five most qualified candidates.

Motion by Proos, supported by Jacobs, to interview the five with the higher ratings: Lisa Verburg, Jackie Smith, Brandon Holmes, Dolores White, and Janine Riemersma. Motion carried.

JOINT WORK SESSION SCHEDULED FOR OCTOBER 22, 2015, DRAFT AGENDA

Jim Ferro, Planning Director, stated a joint work session between the Township Board, Planning Commission, and DDA Board was suggested by the DDA Board. The draft agenda was presented to the DDA Board that morning, and may be revised with more emphasis placed on overall discussions of roles, responsibilities, communication, and coordination between the three major entities and the role they play in implementing the Envision Ada Plan. The meeting is scheduled for Thursday, November 22nd, 7:00 p.m., in the basement of the Community Church.

Supervisor Haga stated comments on agenda items can be emailed to either Jim Ferro or himself within the next couple of days.

MOTION TO PROCEED IN TO CLOSED SESSION TO DISCUSS PENDING LITIGATION-REITH-RILEY CONSTRUCTION COMPANY, INC.

Motion by Proos, supported by LeBlanc, to proceed in to Closed Session (at 7:30) to Discuss Pending Litigation-Reith Riley Construction Company, Inc. Roll Call: Yes – Smith, Jacobs, LeBlanc, Proos, Rhoades, Burton, and Haga; No – 0; Absent – 0. Motion carried.

Motion by Proos, supported by Rhoades, to return to Regular Session at 8:20. Motion carried.

Ron Redick, Legal Counsel from Mika Meyers PLC, stated the proposed resolution has been precipitated by a notice from Reith Riley Construction Company. They believe site restoration and reclamation obligations have been completed as set forth in the Consent Judgment they entered with the Township in May of 2007. By a request from BDR Acquisitions, LLC, which indicated they had entered a purchase agreement for the property, they want assurances that either Reith Riley has obtained compliance with the Consent Judgment, or that they will not be held responsible for any remaining obligations that may exist. In response to those requests we have prepared a proposed resolution for the Board's consideration that would be responsive, which includes three principal components.

1. First, it would find that Reith Riley has, as of today's date, complied with and satisfied the requirements stated within paragraphs 1, 2, 4, 5, 6, 7, and 9 of the Consent Judgment, as included at pages 3 through 14 thereof.

2. Second, in lieu of the Board making a final determination of Reith Riley's compliance with page 9, paragraph 3 of the Consent Judgment, which relates to the obligation to place top soil and reseed all regraded areas, the resolution provides that the Township supervisor would be authorized to execute the conditional release and discharge in form of Exhibit A of the resolution, by which Reith Riley, including its successors and assigns would be released and discharged from future liability with regard to those restoration and reclamation obligations stated at paragraph 3 of the Consent Judgment; on the condition, however, the release and discharge would only remain in effect so long as the subject properties being the Koning property, the river front parcel, the Egypt Valley parcel, and the plant site all remain in substantially the same condition they are as of today's date; or those parcels that are used and developed in accordance with paragraph 8 of the Consent Judgment, and pursuant to any Township zoning approvals that would be required. The form of the release and discharge are attached as Exhibit A of the resolution.

3. Third, to ratify and affirm, except as stated above, regarding the release and discharge of paragraph 3, the Consent Judgment shall otherwise remain in full force and effect and may be enforced by the Township against Reith Riley or it's successors and assigns, which is appropriate because there is a number of requirements that run with the land under the Consent Judgment that continue to exist, irrespective of whether Reith Riley has or has not complied with the restoration and reclamation obligations.

Motion by Rhoades, supported by Smith, to accept Resolution R-101215-3, as presented by legal counsel in regards to compliance status of the Reith Riley properties under the 2007 Consent Judgment. Roll call: Yes – Smith, Rhoades, Burton, and Haga; No – LeBlanc, Proos and Jacobs; Absent – 0. Resolution adopted.

OPPORTUNITY FOR PUBLIC COMMENT

Catherine Henry stated she is running for the 81st District House of Representatives, and wants to make sure she is in touch with all the government entities at the local level in the event she does get elected.

ADJOURNMENT

The meeting was adjourned at 8:28 p.m.

Susan Burton, CMC
Ada Township Clerk

Date