

**ADA TOWNSHIP BOARD MEETING
MINUTES
OCTOBER 13, 2014**

Meeting was called to order by Supervisor Haga at 7:00 p.m. Members present: Supervisor Haga, Clerk Burton, Treasurer Rhoades, Trustee Smith, Trustee Proos, and Trustee LeBlanc. Also present: Planning Director Jim Ferro, Sheriff Ryan Roe, Recording Secretary Dorothy Renegar, and 11 community members. Absent: Trustee Jacobs (arrived at 7:40 p.m.).

APPROVAL OF AGENDA

Motion by Smith, supported by Rhoades, to approve the Agenda. Motion carried.

GENERAL TOWNSHIP BUSINESS

CONSENT AGENDA

Approval of Minutes

September 8, 2014, September 22, 2014 Regular Board Meeting

Receive and File Various Reports/Communications

1. Fire and EMS Report-9/14; 2. Planning Commission Minutes-8/21/14; 3. Building Permit Report-8/14; 4. Treasurer's Investment Report-8/14; 5. Hope Network Transportation Service Report-9/14; 6. Regis Board Minutes-7/23/14; 7. GVMC Minutes-9/4/14; 8. Comcast Update-9/30/14.

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

APPROVAL OF WARRANTS

ADA TOWNSHIP GENERAL WARRANTS

Treasurer Rhoades reported receipts in the following amounts: Hand Checks: #101 \$24,636.43; #205 \$958.52; #208 \$2,724.20; #248 \$300.00; #590 \$5,898.06; #591 \$439.21; #592 \$599.40; Total all Hand Checks: \$35,555.82; Warrants: #101 \$50,569.03; #205 \$25,564.16; #208 \$9,087.73; #211 \$67,906.99; #248 \$1,350.00; #401 \$2,588.71; #590 \$159,823.97; #591 \$141,908.63; #592 \$3,816.68; Total Warrants: \$462,615.90 Total All Checks and Warrants: \$498,171.72.

Motion by LeBlanc, supported by Proos, to approve the Warrant Report for October 13, 2014, in the total amount of \$498,171.72. Roll Call: Yes – Smith, Proos, LeBlanc, Rhoades, Burton, and Haga; No – 0; Absent – Jacobs. Motion carried.

PUBLIC COMMENT

Sheriff Ryan Roe stated a report was filed of a guitar being stolen out of a vehicle, and it would have taken a day or so for him to hear about it if he had not received an email "tip" from Mark Fitzpatrick. As a result of that email, the guitar was recovered and the thief apprehended. He stated he made a large presentation to Amway retirees; also he is working on the "Shop with a Sheriff" program. He also mentioned nightly patrols of Findlay Cemetery are still going on, and he recently attended a meeting regarding the upcoming "Tinsel Treats & Trolley" event.

Mark Buddy, Pettis Avenue, stated several years ago there was an agreement with Rieth Riley which was very clear about what would happen at their site. He stated the Board should say no to their request for any extension and enforce that agreement.

BOARD COMMENT

Trustee LeBlanc commented on the statement made by Supervisor Haga about Rieth Riley not being there; and also about the letter from Comcast regarding channel changes. He also questioned why the Board receives the Planning Commission draft minutes so late.

Supervisor Haga stated Rieth Riley had originally planned to make a presentation at the September 22nd meeting but cancelled; concerning the letter from Comcast, he receives regular communications from them. He will investigate why the Board receives the Planning Commission draft minutes when they do.

Trustee Proos stated the township has spent a lot of money to have the landscaping re-done at the Township Hall. The work crew are leaving a lot of dirt at the front entrance, which they need to clean up. He stated otherwise we will be paying for carpet cleaning from dirt being tracked into the office.

Trustee Smith stated she had received an email about the Rieth Riley issue before the last meeting, and she knew nothing about what was going on. She stated maybe we (the Board) need to be informed sooner about any issues before the public is made aware, and ask questions of us

Clerk Burton updated the Board on preparations for the November elections being conducted in her office.

Supervisor Haga stated the Kent County Road Commission will hold a dinner meeting on November 5th to give a presentation on their programs and policies for 2015. If anyone wishes to go they should let him know and he will put in the reservations.

UNFINISHED BUSINESS

ADA SCADA BUDGET APPROVAL

Steve Groenenboom, Moore & Bruggink, stated he was there to reply to the questions that were posed at the last meeting: one, if the bid for the project was \$42,000 under the engineer's estimate, why did the overall project budget remain the same; and two, reasons for the amount stated for the design and construction engineering budget. He then went on to explain the intricacies involved in coming up with the preliminary project budget.

Motion by LeBlanc, supported by Proos, to approve Contract Award for Ada Water and Wastewater System Improvement SCADA System in the total amount of \$450,000. Roll Call: Yes – Smith, Proos, LeBlanc, Rhoades, Burton, and Haga; No – 0; Absent – Jacobs. Motion carried.

NEW BUSINESS

PORTABLE GENERATOR PROJECT

Steve Groenenboom, Moore & Bruggink, stated three bids were received for a new portable generator, however the low bid deviated from the generator specifications, and could not be reached to discuss the deficiency in their bid. He stated the second lowest bidder, Michigan Caterpillar, meets all the specification requirements, and he recommends awarding the contract to Michigan Caterpillar for the amount of \$50,996.00.

Motion by Smith, supported by LeBlanc, to approve the Portable Generator project to Michigan Caterpillar, in the amount of \$50,996.00. Roll Call: Yes – Smith, Proos, LeBlanc, Rhoades, Burton, and Haga; No – 0; Absent – Jacobs. Motion carried.

RESOLUTION R-101314-1, FRANCHISE AGREEMENT WITH COMCAST

John Huff, Township Attorney, stated Comcast currently provides cable television service to a number of communities in the greater Grand Rapids area, and these communities have engaged in detailed discussion with Comcast over the past several months to attempt to resolve franchise renewal related issues. The discussions began as a result of a proposed transfer of control of Comcast to Midwest Cable, Inc. He stated, if the franchise resolution is approved it would ensure the Township and surrounding communities of an increased level of funding, with a mutually agreed upon one percent PEG fee and a five percent franchise fee, with the term of the franchise running for ten years. Charter Cable would be the new operator.

Motion by Proos, supported by Rhoades, to approve Resolution R-101314-1, Franchise Agreement with Comcast. Roll Call: Yes – Smith, Jacobs, Proos, LeBlanc, Rhoades, Burton, and Haga; No – 0; Absent – 0. Resolution adopted.

MOTION TO GO INTO CLOSED SESSION TO CONSIDER WRITTEN ATTORNEY PRIVILEGED COMMUNICATIONS REGARDING PETTIS MATTER

Motion by Rhoades, supported by LeBlanc, to proceed to Closed Session to Consider Written Attorney Privileged Communications Regarding Pettis Matter. Roll Call: Yes – Smith, Jacobs, LeBlanc, Rhoades, Burton, and Haga; No – 0; Absent – 0. Motion carried.

MOTION TO GO INTO CLOSED SESSION TO CONSIDER ATTORNEY PRIVILEGED COMMUNICATIONS REGARDING RIETH RILEY ONE YEAR EXTENSION REQUEST

Motion by LeBlanc, supported by Jacobs, to proceed to Closed Session to Consider Written Attorney Privileged Communications Regarding Rieth Riley, at 7:51. Roll Call: Yes – Smith, Jacobs, LeBlanc, Rhoades, Burton, and Haga; No – 0; Absent – 0. Motion carried.

Motion by Proos, supported by Rhoades, to return to Regular Session at 9:03. Motion carried.

Upon motion that was unanimously approved, the Board went into closed session to consider written attorney-privileged communications regarding the Pettis matter. Upon coming out of closed session, Attorney Sperla expressed that counsel for Ms. Pettis had been advised that since the summary disposition granted by the Honorable Dennis B. Leiber on August 1, 2014 had not been appealed insofar as the 1999 case was concerned that the requirements imposed by Judge Leiber on the timeline set out in our letter to Ms. Pettis' lawyer must be satisfied. Otherwise, enforcement proceedings to force compliance by Ms. Pettis would be required. Since sending that correspondence of September 9, 2014 to Ms. Pettis' lawyer, Joshua J. Mikrut, we have heard from Ms. Pettis' lawyer, and he has indicated that she intends to comply with the terms and conditions of Judge Leiber's decision granting summary disposition as far as the 1999 case was concerned. Counsel for Ms. Pettis indicated that some items, such as removal of the weight scales had already been completed but that the trailers remained on the site and Ms. Pettis was looking for a prospective buyer. Additionally, she intended to utilize the services of Mr. Ron VanSingel from The Merestone Group to prepare a new contour plan as required by the 2001 Consent Judgment in the 1999 case. It has been decided that the Board will give Ms. Pettis a reasonable period of time to become compliant with those items in Judge Leiber's decision granting summary disposition which required immediate attention. If such compliance action is not taken by Ms. Pettis, then counsel for the Township has been directed to initiate enforcement proceedings.

Upon motion that was unanimously approved, the Board went into closed session to consider written attorney-privileged communications regarding the Reith-Riley matter. Upon coming out of closed session, Attorney Sperla reported with regard to this matter as follows: The Township Board has now been provided with basic information with regard to the one-year extension being requested by Reith-Riley on the Plant and Egypt Valley sites that were part of the 2005 legal proceedings pending in the Kent County Circuit Court that led to the entry of a Consent Judgment setting forth a compromise and settlement between the parties. Reith-Riley intends to make an oral presentation to the Board in support of its request for an extension, as well as submit additional information before the Board's next meeting on October 27, 2014. It is anticipated that at the time the presentation is made that the Board will make a decision with respect to the requested extension. Any additional materials that are submitted by Reith-Riley that has not already been presented to the Board will be furnished to the Board on the agenda for the next meeting.

OPPORTUNITY FOR PUBLIC COMMENT

Corky Paul, Grand Rapids, former Ada Township Planning Commissioner and resident of Ada, stated as he stated previously "Reith Riley is mining for time. For two years now they have been in violation of the court order to clean up the Egypt Valley site; take down the batch plant, and take the aggregate away." He stated he would urge the Board to say no to any extension, and as a result, the equipment will come in to clean up and remove everything they have stored there. He stated, "They have been here for 10 years and it is time for them to leave."

ADJOURNMENT

The meeting was adjourned at 9:12 p.m.

Susan Burton, CMC
Ada Township Clerk

Date

RS/dr