

**ADA TOWNSHIP BOARD MEETING
MINUTES
OCTOBER 27, 2014**

Meeting was called to order by Supervisor Haga at 7:00 p.m. Members present: Supervisor Haga, Clerk Burton, Treasurer Rhoades, Trustee Smith, and Trustee Proos. Also present: Planning Director Jim Ferro, Fire Chief David Murray, Recording Secretary Dorothy Renegar, and 23 community members. Absent: Trustee LeBlanc.

APPROVAL OF AGENDA

Supervisor Haga added under VII. Unfinished Business, B. Motion to Proceed into Closed Session to Consider Written Attorney Privileged Communications Regarding Rieth Riley matter.

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

GENERAL TOWNSHIP BUSINESS

CONSENT AGENDA

Approval of Minutes

October 13, 2014 Regular Board Meeting

Receive and File Various Reports/Communications

1. Planning Commission Minutes-9/18/14; 2. Building Permit Trends Report-10/4/14; 3. Ada Historical Society Minutes-9/11/14; 4. Ada DDA Minutes-9/15/14; 5. Treasurer's Investment Report-9/30/14; 6. Status of Village Redevelopment.

Motion by Jacobs, supported by Rhoades, 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 \$1,514.02; #205 \$2,237.62; #208 \$481.49; Total all Hand Checks: \$4,213.13; Warrants: #101 \$72,690.17; #205 \$3,432.32; #208 \$11,042.70; #211 \$2,392.70; #213 \$1,891.34; #248 \$100.00; #590 \$2,438.54; #591 \$3,341.96; Total Warrants: \$97,872.29; Total All Checks and Warrants: \$102,085.42.

Motion by Proos, supported by Smith, to approve the Warrant Report for October 27, 2014, in the total amount of \$102,085.42. Roll Call: Yes – Jacobs, Smith, Proos, Rhoades, Burton, and Haga; No – 0; Absent – LeBlanc. Motion carried.

PUBLIC COMMENT

None.

BOARD COMMENT

Treasurer Rhoades stated the re-landscaping at the Township offices and around the church has been completed.

Trustee Jacobs commended the Fire Department on the birth they assisted with this past weekend, and stated it's good to know that anyone in that situation can simply drive down the road to the Fire Department.

Clerk Burton reminded everyone that Election Day is Tuesday, and if they haven't already voted an absentee ballot, make sure to vote on Tuesday.

Supervisor Haga noted the follow-up report on the AT&T agreement stating they did accept the Board's recommendation of the \$2,200 per month fee. Also, two pumps at the Spaulding Lift Station have broken seals, and the estimated replacement cost will be about \$45,000 for two new pumps, installation and engineering, and will be finalized in the next few days. Also, he stated we are in the process of finishing the roof at the booster station, which will have new trusses, and a metal ceiling with foam insulation on top of that.

UNFINISHED BUSINESS

RIETH RILEY EXTENSION REQUEST

Keith Rose, President & CEO, Rieth Riley, gave a PowerPoint presentation which highlighted: the 2007 Settlement Agreement; Material Donations, Easements and Real Estate granted to the Township; Progress Dates; the Koning and Rieth Riley Operations and Material Usage; Projected Additional Time Required for Decommission and Restoration by 12/31/15.

PUBLIC COMMENT

Randy Damstra, 4990 Spring Ridge, Ada, stated he was previously involved in negotiations with Rieth Riley at the time they wanted to mine the Koning property, which we gave them the ability to do, and the Township set a timeframe of December 31, 2014. This agreement was widely negotiated and we are at October 27th and Rieth Riley has a lot that needs to be done in the next 45 days, so they are now asking for another extension. He stated he had signatures from 45 people who do not want this extension, and would like to see the Board vote on this tonight and vote no.

Joyce Karosi, 288 Deer Run, stated this agreement was entered into seven years ago, and she can't imagine any business which would not expect some ups and downs in the economy. But nevertheless, an agreement is an agreement. It is totally uncalled for that this is still going on, and she would urge the Board to vote no.

Ray Kisor, 254 Greentree, stated he thinks it's negligent on their corporate part to take an attitude that this is a small community and move forward in anticipation of an extension when it's convenient. The traffic that has been generated by moving product down Pettis is a burden on the system, and he would ask to please honor the contract.

Deborah Kolkemenor, 1763 River Oaks Drive, stated she would encourage the Board to vote no.

Robert Boss, 9715 Sanctuary Drive, stated it has been seven years since the initial signing of the agreement, and this is plenty of time for them to have finished this project. He encouraged the Board to vote no.

Bernie Veldkamp, 5580 Hall Street, highlighted items he had found in researching information on Rieth Riley. He then went on to note areas of the original agreement that were to be accomplished. He stated this was a court ordered binding agreement and asked that the 2007 agreement be completed as soon as possible.

Tom Korth, 8805 Conservation, stated Rieth Riley is over 100 years old, has been around for a long time, and we were expecting a lot higher standards from them. They should have been able to handle this contract. "I strongly urge this Board to deny this extension, allowing a forth right conversation about how to get this mess cleaned up in a way that will show they are serious about this deadline, and that there is a serious penalty for them to miss it. If they miss the deadline I would appreciate you throwing the book at them."

Corky Paul, Grand Rapids, former Planning Commission member, and resident on Pettis, stated for 10 years this Township has been working diligently to try to come to a settlement solution of the operation. Since the beginning they came to mine, and since then they have spread like a cancer. The Township finally stood up and they sued the Township, and now they are here looking for more time. For three years they have been in violation of the agreement; they have not upheld the terms of the contract or the court order. I plead with you to consider a no vote and bring this forward to the court that they have been in violation of their agreement, and now they want to continue that violation for another year.

Angela Butterfield, 749 Grand River Drive, stated she is in agreement with what has been said; is not in favor of an extension, and would urge the Board to vote no tonight.

BOARD COMMENT

Questions were asked by Board members about rumors in April/May that Rieth Riley was going to be looking for an extension, and if there has been a concerted effort to begin removing the piles of aggregate materials. Questions were asked about the refusal of Rieth Riley to agree to a performance bond.

Keith Rose stated this was their first request for an extension and they had talked to the township regarding a limited extension when the economy started to slow down. They had also accelerated activity to complete the Koning property.

Gary Schenk, Rieth Riley legal counsel stated if given the extension to 12/31/2015, they would agree to a performance bond.

It was asked by a Board member that if the extension is not granted, how would they be able to get everything done in two months. Keith Rose answered it physically could not be done in that amount of time.

Motion by Smith, supported by Jacobs, to proceed into Closed Session to Consider Written Attorney Privileged Communications Regarding the Rieth Riley Matter, at 8:00. Roll Call: Yes – Jacobs, Smith, Proos, Rhoades, Burton, and Haga; No – 0; Absent – LeBlanc. Motion carried.

Motion by Smith, supported by Jacobs, to return to Regular Session at 8:30. Motion carried.

Supervisor Haga stated the Board deliberated with Township counsel, and was at the point of taking action on the request for the Rieth Riley extension.

Motion by Proos, supported by Smith, to deny the Extension Request from Rieth Riley as proposed. Roll call: Yes – Jacobs, Smith, Proos, Burton and Haga; No – Rhoades; Absent – LeBlanc. Motion carried.

NEW BUSINESS

THIRD EXTENSION TO WATER AND SANITARY SEWER AGREEMENT

Supervisor Haga stated this is the third extension to the Water and Sewer Service Agreement with the City of Grand Rapids for an additional five years, through December 31, 2043.

Motion by Proos, supported by Rhoades, to approve the Third Extension to Water and Sanitary Sewer Service Agreement with the City of Grand Rapids, for an additional five years. Roll Call: Yes – Jacobs, Smith, Proos, Rhoades, Burton, and Haga; No – 0; Absent – LeBlanc. Motion carried.

PURCHASE OF CHIEF'S VEHICLE

Fire Chief David Murray stated four bids were sent out through the Kent County Purchasing program for the replacement of the Fire Chief's vehicle. One bid was received from Tinney Chevrolet in Greenville, in the amount of \$36,651.00, and an added trailer package would be \$650.00. The vehicle will be white.

Motion by Proos, supported by Jacobs, to approve Purchase of Fire Chief's Vehicle from Tinney Chevrolet, in the amount of \$36,651.00, plus the towing package estimated to be \$650.00. Roll Call: Yes – Smith, Jacobs, Proos, Rhoades, Burton, and Haga; No – 0; Absent – LeBlanc. Motion carried.

ZONING BOARD OF APPEALS APPOINTMENT

Supervisor Haga stated this is an appointment to fill a vacancy, and would request the Board's confirmation of Jason McNamara for a three year appointment to fill this vacancy for a term to expire on 9/13/17.

Motion by Rhoades, supported by Proos, to approve Zoning Board of Appeals Appointment of Jason McNamara for a three year appointment to fill a vacancy on the Zoning Board of Appeals, for a term to expire on 9/13/17. Motion carried.

RESOLUTION R-102714-1, WATER/SEWER DELINQUENT ROLL

Supervisor Haga stated this resolution is for our annual Water/Sewer Delinquent Roll in the amount of \$5,378.23, which is about \$1,000 less than last years.

Motion by Proos, supported by Rhoades, to adopt Resolution R-102714-1, Water/Sewer Delinquent Roll, in the amount of \$5,378.23. Roll Call: Yes – Smith, Jacobs, Proos, Rhoades, Burton, and Haga; No – 0; Absent – LeBlanc. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURNMENT

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

Respectfully submitted,

Susan Burton, CMC
Ada Township Clerk

RS/dr