

**EAST CHINA CHARTER TOWNSHIP
OFFICIAL PROCEEDINGS (TELEPHONIC PUBLIC MEETING)**

APRIL 6, 2020

CALL TO ORDER – The meeting was called to order at 7:30 p.m. by Supervisor Simons.

ROLL CALL –

PRESENT: Supervisor Larry Simons, Clerk Robert Freehan, Trustee Angelo Patsalis, Trustee Donald Horn, Trustee Deborah Babel and Trustee Herbert Blackstock

ABSENT: Treasurer Donald Beaudua

Also, in attendance: Township Manager Cynthia Paparelli and Attorney Ryan Fantuzzi

PLEDGE OF ALLEGIANCE – led by Supervisor Simons

(ALL ACTIONS REQUIRE ROLL CALL VOTE)

APPROVE TENTATIVE AGENDA – Motion by Clerk Freehan, supported by Trustee Horn to approve the Agenda as presented. ROLL CALL VOTE: Ayes – Simons, Freehan, Horn, Patsalis, Babel, Blackstock. Nays None. Absent – Beaudua. Motion passed.

APPROVE MINUTES – Motion by Trustee Patsalis, supported by Trustee Babel to approve the minutes of March 2, 2020 and March 12, 2020 Special Meeting as submitted. ROLL CALL VOTE: Ayes – Freehan, Horn, Patsalis, Babel, Blackstock, Simons. Nays – None. Absent – Beaudua. Motion passed.

PUBLIC COMMENT - None

CONSENT AGENDA - Motion by Trustee Blackstock, supported by Trustee Babel to receive the following reports as submitted: Year 2019 Marine City Area Fire Authority Run Report Totals; February 2020 Marine City Area Fire Authority Run Report; February 2020 St. Clair Area Fire Authority Run Report; February 2020 Planning Commission Minutes; March 2020 Park Commission Minutes; March 2020 Historical Commission Minutes; March Marine City Area Fire Authority Run Report; February Revenue & Expenditure Report; February Cash Summary by Account; February Cash Summary by Bank; February Balance Report. ROLL CALL VOTE: Ayes – Blackstock, Babel, Horn, Patsalis, Freehan, Simons. Nays – None. Absent – Beaudua. Motion passed.

DISBURSEMENTS -- Motion by Trustee Patsalis, supported by Trustee Babel to approve payment of Accounts Payable in the amount of \$ 489,400.34, Payroll (Direct Deposit) of \$ 68,860.52, EFT's of \$ 84,823.75, Tax Account of \$ 15,610.57, Total Payroll of \$ 22.03, and Total Voided of \$ 2,362.80 for Total Disbursements of \$ 656,354.41. ROLL CALL VOTE: Ayes – Babel, Horn, Patsalis, Freehan, Simons, Blackstock. Nays – None. Absent – Beaudua. Motion passed.

OLD BUSINESS – None

NEW BUSINESS:

1. Employee Union Tentative Agreement/Clerical. Motion by Trustee Patsalis, supported by Trustee Blackstock to approve the tentative agreement with Operating Engineers, Local 324/Clerical. The agreement covers three years (July 1, 2019 – June 30, 2022), includes a pay increase in each of the three years, closes out the defined benefit pension plan, the employee contribution increases for the pension plan, and the employee pension benefit decreases. ROLL

CALL VOTE: Ayes – Horn, Patsalis, Freehan, Simons, Blackstock, Babel. Nays – None. Absent – Beaudua. Motion passed.

2. Employee Union Tentative Agreement/Operators. Motion by Trustee Patsalis, supported by Trustee Horn to approve the tentative agreement with Operating Engineers, Local 324/Operators. The same pay and pension changes as with the Clerical apply to this contract agreement. ROLL CALL VOTE: Ayes - Patsalis, Horn, Freehan, Babel, Simons, Blackstock. Nays – None. Absent – Beaudua. Motion passed.

3. Employee Union Tentative Agreement/Supervisors Motion by Trustee Patsalis, supported by Trustee Babel, to approve the tentative agreement with Operating Engineers, Local 324/Supervisors. The same pay and pension changes as with the Clerical and Operators apply to this contract agreement. ROLL CALL VOTE: Ayes - Patsalis, Horn, Freehan, Babel, Simons, Blackstock. Nays – None. Absent – Beaudua. Motion passed.

4. Signatory Authorization for Employee Pension Plan. Motion by Clerk Freehan, supported by Trustee Patsalis to authorize the Township Supervisor to amend the MERS Plan documents, including carving out the Clerical Employee Division, to be consistent with the three collective bargaining agreements with the International Union of Operating Engineers, Local 324. ROLL CALL VOTE: Ayes – Simons, Freehan, Blackstock, Patsalis, Babel, Horn. Nays – None. Absent – Beaudua. Motion passed.

5. Resolution 4-2020 Right of Way permit M29. Motion by Clerk Freehan, supported by Trustee Horn to approve Resolution 4-2020

RESOLUTION 4- 2020

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

East China Charter Township
County of Saint Clair, Michigan

Minutes of a regular meeting of the Township Board of Trustees of East China Township, County of St. Clair, Michigan, held in the Township Hall, on the 6TH day of April 2020 at 7:30 p.m.

PRESENT: Supervisor Larry Simons, Clerk Robert Freehan, Trustee Angelo Patsalis, Trustee Deborah Babel, Trustee Herbert Blackstock and Trustee Donald Horn

ABSENT: Treasurer Donald Beaudua

The following Resolution was offered by Clerk Robert Freehan and supported by Trustee Donald Horn.

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the CHARTER TOWNSHIP OF EAST CHINA, MICHIGAN

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the

PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.

4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title and/or Name:

SUPERVISOR – LARRY SIMONS

TOWNSHIP MANAGER – CYNTHIA PAPARELLI

AYES: Simons, Freehan, Horn, Patsalis, Babel, and Blackstock

NAYS: None

ABSENT: Treasurer Donald Beaudua

RESOLUTION DECLARED ADOPTED

Robert Freehan, Clerk
East China Charter Township

MOTION PASSED

6. Policy Amendment for checks written between board meetings. Motion by Clerk Freehan, supported by Trustee Patsalis to amend the current policy authorizing payment of checks written between scheduled Board meetings to include regular payroll checks as follows:

POLICY
CHARTER TOWNSHIP OF EAST CHINA
CHECKS ISSUED FOR PAYMENT PRIOR TO BOARD APPROVAL
IN BETWEEN TOWNSHIP BOARD MEETINGS

In instances where payment is needed for services, products in between Township Board meetings for the General Checking Account:

- checks are prepared by the bookkeeper
- then go to the Treasurer or Deputy Treasurer for a signature
- then go to the Clerk or Deputy Clerk for the second signature

IN INSTANCES WHERE PAYMENT IS NEEDED FOR REGULAR EMPLOYEE PAYROLL IN BETWEEN REGULAR BOARD MEETINGS:

- *PAYROLL CHECKS ARE PREPARED IN THE USUAL MANNER (BOOKKEEPER, CLERK'S OFFICE, TREASURER'S OFFICE, BANK) BASED ON VERIFIED TIME SHEETS.*
- *SUMMARY OF PAYROLL CHECKS ISSUED IS INCLUDED IN THE "PAYROLL" SECTION OF "DISBURSEMENTS" FOR APPROVAL BY THE BOARD OF TRUSTEES AT THE NEXT SCHEDULED MEETING.*

The General Checking Account is a combined checking account that includes payments for the payrolls and invoices for the following funds: General Fund, Township Improvement, Capital Projects, Sewer Authority, Sewer Department, Water Department, Department of Public Works and Building Department Bonds.

The procedure for checks written on the separate Tax Checking Account:

- checks are prepared by the Bookkeeper
- then are signed by the Deputy Treasurer or Treasurer
- then go to the Deputy Clerk or Clerk for the second signature

There is dual control for all check writing purposes as required by Law.

The copies of all the bills are kept in a file until the next Township Board meeting for review and approval, and entered into the Minutes by total as:

- Payments of the bills (General Checking Account)
- Payroll
- ACH payments, and
- Tax Account

These are the types of payments allowed for "Manual" or "Hand Checks" *OR EMERGENCY CHECK RUNS* written in between the scheduled Township Board Meetings. Most invoices are pre-approved with a signature or initials by the Township Supervisor, Township Manager, Water and Sewer Authority Superintendents, of Dept. of Public Works Supervisor:

- *PAYROLL PAYMENTS WITH APPROVED TIME SHEETS.*
- Utility payments; Invoices that are due and would incur a late fee, such as credit card or charge accounts; Invoices that if paid would realize a discount rate; Invoices for reimbursement to employees for work clothing allowances, cash purchase reimbursement, or hospitalization deductibles; Refunds to customers for cancelled permits (building, electrical, plumbing or mechanical) and Township Hall or Park use; Building Bond refunds; Payroll-related taxes and withholding expenses; Invoices preauthorized by Boards or Commissions; Bond and interest payments; Loan and interest payments; Reimbursement of petty cash; and Investment purchases.
- Tax payments to other agencies for taxes collected; Refunds for overpayment on taxes.

The Amended Policy goes into effect with adoption by the board. ROLL CALL VOTE:

AYES: Simons, Freehan, Horn, Patsalis, Babel, and Blackstock

NAYS: None

ABSENT: Treasurer Donald Beaudua

ADOPTED BY TOWNSHIP BOARD

AT MEETING OF: APRIL 6, 2020

Motion Passed

7. Resolution 5-2020 Authorizing Township Manager to institute temporary staffing procedures and temporary decisions regarding “Essential Operations” and “Critical Infrastructure.” Motion by Clerk Freehan, supported by Trustee Horn to adopt Resolution 5-2020

RESOLUTION 5- 2020

**AUTHORIZATION FOR THE TOWNSHIP MANAGER TO INITIATE
TEMPORARY STAFFING PROCEDURES AND TEMPORARY DECISIONS REGARDING
“ESSENTIAL OPERATIONS” AND “CRITICAL INFRASTRUCTURE”**

East China Charter Township
County of Saint Clair, Michigan

Minutes of a regular meeting of the Township Board of Trustees of East China Township, County of St. Clair, Michigan, held in the Township Hall, on the 6TH day of April 2020 at 7:30 p.m.

PRESENT: Supervisor Larry Simons, Clerk Robert Freehan, Trustee Angelo Patsalis, Trustee Deborah Babel, Trustee Herbert Blackstock and Trustee Donald Horn

ABSENT: Treasurer Donald Beaudua

The following Resolution was offered by Clerk Robert Freehan and supported by Trustee Horn.

WHEREAS, Michigan Governor Gretchen Whitmer has declared a State of Emergency and issued emergency executive orders limiting workers’ activities to decrease the spread of the Covid-19 virus, and

WHEREAS, the governor’s emergency orders have permitted workers to be on the job for “essential services” and to support “critical infrastructure,” and

WHEREAS, the East China Township Manager needs the flexibility to immediately adjust work schedules for all employees to protect their health and the health of their co-workers while providing continuation of essential services for the health, welfare and safety of all Township residents,

NOW, THEREFORE, BE IT RESOLVED, that the East China Township Board of Trustees hereby authorizes the Township Manager to adjust Township and St. Clair River Sewer and Water Authority employee work schedules and to make decisions regarding local “essential operations” and “critical infrastructure” during the duration of the State of Emergency as necessary to maintain employee health and safety as well as the health and safety of East China Township residents. Such adjustments and decisions will be shared with the Township Supervisor and the Employee Union as appropriate.

This resolution will become effective upon adoption by the Board of Trustees.

AYES: Simons, Freehan, Horn, Patsalis, Babel, and Blackstock

NAYS: None

ABSENT: Treasurer Donald Beaudua

RESOLUTION DECLARED ADOPTED

Robert Freehan, Clerk
East China Charter Township

Motion Passed

8. Cancel Boards and Commission Meetings except Township Board Meeting-April May 2020. Motion by Trustee Horn, supported by Trustee Blackstock to cancel the meetings of the Planning Commission, Historical Commission and Zoning Board of Appeals during the months of April and May 2020. Parks Commission and St. Clair River Sewer and Water Authority Chairpersons are responsible for canceling their own meetings. ROLL CALL VOTE: Ayes – Blackstock, Babel, Horn, Patsalis, Freehan, Simons. Nays – None. Absent – Beaudua. Motion passed.

9. Resolution in support of Corrective Action Plan – PA 202. Motion by Clerk Freehan, supported by Trustee Patsalis to adopt resolution 6-2020 as follows:

**RESOLUTION 6- 2020
PA 202 APPROVAL OF UNDERFUNDED MERS
CORRECTIVE ACTION PLAN**

East China Charter Township
County of Saint Clair, Michigan

Minutes of a regular meeting of the Township Board of Trustees of East China Township, County of St. Clair, Michigan, held in the Township Hall, on the 6TH day of April 2020 at 7:30 p.m.

PRESENT: Supervisor Larry Simons, Clerk Robert Freehan, Trustee Angelo Patsalis, Trustee Deborah Babel, Trustee Herbert Blackstock and Trustee Donald Horn

ABSENT: Treasurer Donald Beaudua

The following Resolution was offered by Clerk Robert Freehan and supported by Trustee Angelo Patsalis.

WHEREAS, the State of Michigan passed a law in December 2017 titled the "Protecting Local Government Retirement and Benefits Act", known as P.A. 202 of 2017; and

WHEREAS, P.A. 202 of 2017 is intended to reflect the July 2017 Report of Findings and Recommendations for Action of the Responsible Retirement Reform for Local Government Task Force; and

WHEREAS, the Charter Township of East China has been deemed underfunded in respect to the retirement benefit system and is required to submit a Correction Action Plan under section 5 of P.A. 202 of 2017; and

WHEREAS, the local unit of government's administrative officer and governing body must approve a plan demonstrating the underfunded status is being addressed

NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of East China Board of Trustees hereby approves of the plan to address the underfunded status in the retirement benefit system and authorizes the submission of said plan to be in compliance with P.A. 202 of 2017.

AYES: Simons, Freehan, Horn, Patsalis, Babel, and Blackstock

NAYS: None

ABSENT: Treasurer Donald Beaudua

RESOLUTION DECLARED ADOPTED

Robert Freehan, Clerk
East China Charter Township

Motion Passed

ANNOUNCEMENTS

Supervisor Simons announced that the Township Hall is closed to the public during the Covid-19 emergency but a drop box is available for paying bills and filling applications for building permits. For health safety reasons the Township Hall staff is rotating work schedules to provide services by phone but no “on-site” building inspections are being performed. Water and Sewer Dept. staff are also rotating work schedules to maintain services while enabling “social distancing.”

MEMBER COMMENTS

Following the approval of the three employee contracts, Board members thanked Supervisor Simons, Trustee Angelo Patsalis, Township Manager Cindy Paparelli and Attorney Ryan Fantuzzi for the extensive work put into reaching the agreement. The Union Bargaining Team was also thanked for their efforts and “stepping up to the plate” to reach the agreement.

Board members also commended Township employees for working together to maintain services while staying safe. They also encouraged the public to stay safe and follow the state health safety guidelines.

Clerk Freehan said that the filing deadline for partisan candidates for the August Primary election remains at April 21. Petitions and affidavits of identity can be filed with the County Clerk or the Township. Filing at the Township is by appointment (e-mail wendy@eastchinatownship.org to set an appointment).

Supervisor Simons said that the current emergency really highlights how much work is done by Township employees on a regular basis.

Township Manager Paparelli said that the situation changes on a daily basis and she appreciates the staff’s positive attitude and cooperation in adjusting to these changes.

ADJOURN – Motion by Trustee Babel, supported by Trustee Blackstock to adjourn the meeting at 8:12 pm. ROLL CALL VOTE:

Ayes – Blackstock, Babel, Horn, Patsalis, Freehan, Simons.

Nays – None.

Absent – Beaudua. Motion passed.

Larry Simons, Supervisor

Robert Freehan, Clerk