

EAST CHINA CHARTER TOWNSHIP

OFFICIAL PROCEEDINGS

DECEMBER 19, 2022

CALL TO ORDER – Supervisor Westrick called the meeting to order at 7:30 p.m., with Clerk Mattei, Treasurer Hart, and Trustees Blackstock, Babel, Knotts, and Reichle. Township Manager Cindy Paparelli, also present.

PLEDGE OF ALLEGIANCE

APPROVE AGENDA – Trustee Reichle, supported by Trustee Babel, moved to approve the Agenda as presented. Carried.

APPROVE MINUTES – Trustee Reichle, supported by Treasurer Hart, moved to approve the Minutes of December 5, 2022, with the addition of a no vote for Reichle, for the Consent Agenda. Carried.

PUBLIC COMMENT - None.

CONSENT AGENDA – Trustee Reichle, supported by Clerk Mattei, moved to accept the Consent Agenda as follows: November financial reports, Historical Commission Minutes for November, License attainments and rate adjustments for employees, Letter of Support for City of St. Clair Sparks grant, Marine City Fire Authority Report for November, Park Commission Minutes for October. Carried.

DISBURSEMENTS – Treasurer Hart, supported by Trustee Knotts, moved to approve Invoices \$157,407.17, Payroll \$38,587.64, Accounts Payable \$38,402.53, EFT's \$13,278.36, E-check \$302.30, Tax Account \$6,575.47. Roll call vote: Yea: Hart, Knotts, Reichle, Blackstock, Babel, Mattei, Westrick. Carried.

NEW BUSINESS

NB 1 - Clerk Mattei, supported by Supervisor Westrick, moved to appoint James Light to the St. Clair River Sewer and Water Authority, for the unfinished term of Don Beaudua. Carried.

NB 2 - Supervisor Westrick, supported by Trustee Reichle, moved to approve \$668.50 for the Wastewater Superintendent to attend the MWEA Wastewater Administrators Conference in Frankenmuth, with necessary expenses. Roll call vote: Yea: Westrick, Reichle, Knotts, Babel, Blackstock, Hart, Mattei. Carried.

NB 3 – Clerk Mattei, supported by Treasurer Hart, moved to adopt Resolution 26-2022: 2023 Poverty Exemption, as follows. Carried.

RESOLUTION 26-2022 2023 POVERTY EXEMPTION Policy, Guidelines and Application

East China Charter Township, County of St. Clair, Michigan

Minutes of a regular meeting of the Township Board of East China Charter Township, County of St. Clair, Michigan, held on the **19th** day of **December 2022**, at 7:30pm.

PRESENT: Westrick, Mattei, Hart, Babel, Blackstock, Reichle, Knotts.

ABSENT: None.

The following Resolution was offered by Member Mattei, and supported by Member Hart.

WHEREAS Section 211.7u(1) of the Michigan General Property Tax Act indicates that “the principal residence of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute toward the public charges is eligible for exemption in whole or in part from taxation under this act.”

WHEREAS, the adoption of the policy, and guidelines for poverty exemptions is within the purview of the Township Board, and

WHEREAS, the guidelines for poverty exemptions previously established by the Township Board on January 17, 2022, are updated annually to reflect changes based on the Federal poverty income standards. (Published in State Tax Commission Bulletin 19, of 2022.), and

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the Board of Review determines there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and these are communicated in writing to the claimant.

AYES: Westrick, Mattei, Hart, Babel, Blackstock, Reichle, Knotts.

NAYS: None.

RESOLUTION DECLARED ADOPTED.

NB 4 – Clerk Mattei, supported by Supervisor Westrick, moved to approve a new BS & A Timesheets program in the amount up to \$14,175. This module is expected to improve the efficiency and accuracy of processing bi-weekly payroll. Roll call vote: Yea: Mattei, Hart, Blackstock, Babel, Reichle, Knotts, and Westrick. Carried.

NB 5 – Trustee Knotts, supported by Trustee Blackstock, moved to adopt Resolution 27-2022 – Performance & Indemnification, as follows. Carried.

RESOLUTION 27-2022
PERFORMANCE AND INDEMNIFICATION

East China Charter Township
County of St. Clair, Michigan

Minutes of a regular meeting of the Township Board of East China Charter Township, County of St. Clair, Michigan, held on the 19th, day of December 2022 at 7:30 p.m.

PRESENT: Westrick, Mattei, Hart, Blackstock, Babel, Knotts, Reichle.

ABSENT: None.

The following Resolution was offered by Member Knotts, and supported by Member Blackstock.

WHEREAS, East China Charter Township, hereinafter referred to as the "GOVERNMENTAL BODY" from time to time makes application to the St. Clair County Road Commission, hereinafter referred to as the "DEPARTMENT" for permits, hereinafter referred to as "PERMIT", to construct, operate, and/or maintain utility or other facilities, or to conduct other activities, on, over, and under county road rights-of-way at various locations within and adjacent to its corporate limits.

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

1. It will faithfully fulfill all permit requirements and will indemnify, save harmless, represent, and defend 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 from any and all claims of every kind for injuries to, or death of any and all persons, and for loss, or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the presence of the GOVERNMENTAL BODY'S facilities, and/or its installation, construction, operation, maintenance, or other activities which are being performed under the terms of the PERMIT on, over and/or under the county roads right-of-way, except claims resulting from the sole negligence or willful acts or omissions of said DEPARTMENT, its officers, agents, employees, and contracting governmental bodies and officers, agents, and employees thereof, performing permit activities.
2. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.
3. It will, by its own volition and/or request by the DEPARTMENT promptly restore and/or correct physical or operating damages to any state trunkline right-of-way resulting or arising out of the installation, construction, operation, and/or maintenance of the GOVERNMENTAL BODY'S facilities pursuant to a PERMIT issued by the DEPARTMENT.

4. The incorporation by the DEPARTMENT of this Resolution as part of a PERMIT does not preclude the DEPARTMENT requiring additional performance security or insurance when deemed necessary by the DEPARTMENT.
5. This Resolution shall continue in force from the date hereof until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY 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 or positions are hereby authorized to make application to the St. Clair County Road Commission for the necessary permit to work within the county road rights-of-way on behalf of the GOVERNMENTAL BODY.

Supervisor	Township Manager
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All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Westrick, Mattei, Hart, Blackstock, Babel, Knotts, Reichle.

NAYS: None.

ABSENT: None.

RESOLUTION DECLARED ADOPTED.

NB 6 – Supervisor Westrick, supported by Trustee Knotts, moved to adopt Resolution 28-2022, Performance Resolution for Municipalities by MDOT, as follows. Carried.

Michigan Department of
Transportation
2207B (05/21)

RESOLUTION 28-2022
PERFORMANCE RESOLUTION FOR
MUNICIPALITIES

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

RESOLVED WHEREAS, the Charter Township of East China, hereinafter referred to as the "MUNICIPALITY," 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 MUNICIPALITY agrees that:

1. Each party to this *Resolution* shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this *Resolution*, as provided by law. This *Resolution* 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 MUNICIPALITY is performed by a contractor, the MUNICIPALITY 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 MUNICIPALITY Failure of the MUNICIPALITY 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 MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY 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 MUNICIPALITY, 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 MUNICIPALITY.
4. The MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY.

AYES: Westrick, Mattei, Hart, Babel, Blackstock, Reichle, Knotts.

NAY: None.

ABSENT: None.

RESOLUTION DECLARED ADOPTED.

NB 7 – Supervisor Westrick, supported by Clerk Mattei, moved to adopt Resolution 30-2022, to Amend the 4th Quarter 2022 Budget, as follows. Carried.

RESOLUTION 30-2022
AMEND THE 2022 BUDGET: Quarter 4, 2022
CHARTER TOWNSHIP OF EAST CHINA
ST CLAIR COUNTY, STATE OF MICHIGAN

Minutes of a regular meeting of the Township Board of East China Township, County of St. Clair, Michigan, on the 19th day of December 2022

PRESENT: Westrick, Mattei, Hart, Reichle, Knotts, Babel, Blackstock.

ABSENT: None.

The following Resolution was offered by Member Westrick and supported by Member Mattei.

WHEREAS, East China Township budgeting and accounting practices stipulate quarterly budget amendments to reflect financial activities during the quarter and provide the basis for financial controls in future quarters; and

WHEREAS, financial analysis of all fund accounts indicates a need to amend the budgets for General Fund and Capital Projects Fund Expenditures and Revenues;

NOW, THEREFORE, BE IT RESOLVED, that the East China Board of Trustees hereby approves Budget Amendments for the 4th Quarter of 2022 as follows below:

	FROM	TO	INCREASE/DECREASE
GENERAL FUND			
Revenue			
Grant Revenue	\$20,000.00	\$120,964.00	\$100,964.00
Total	\$20,000.00	\$120,964.00	\$100,964.00
Expense			
Township Manager	\$63,966.00	\$68,856.00	\$4,890.00
Other Clerk Activities	\$44,275.00	\$48,816.00	\$4,541.00
Other Treasurer Activities	\$30,690.00	\$33,336.00	\$2,646.00
Buildings and Grounds	\$5,000.00	\$11,098.00	\$6,098.00
Drains-Repairs & Maintenance	\$10,801.00	\$11,709.00	\$908.00
Highways/Streets/Bridges	\$5,000.00	\$14,963.00	\$9,963.00
Street Lighting	\$26,000.00	\$26,410.00	\$410.00
Rubbish Collection/Disposal	\$225,000.00	\$234,061.00	\$9,061.00
Cemetery	\$28,690.00	\$49,536.00	\$20,846.00
Sewer & Water Authority	\$1,010.00	\$1,035.00	\$25.00
Recreation	\$18,503.00	\$19,783.00	\$1,280.00
Total	\$458,935.00	\$519,603.00	\$60,668.00
CAPITAL PROJECTS			
Expense			
Major Road Improvements	\$68,000.00	\$68,043.00	\$43.00
Total	\$68,000.00	\$68,043.00	\$43.00

AYES: Westrick, Mattei, Hart, Blackstock, Babel, Knotts, Reichle.

NAYS: None.

ABSENT: None.

RESOLUTION DECLARED ADOPTED.

NB 8 – Clerk Mattei, supported by Trustee Babel, moved to direct the Township Manager to draft a Township Employment Agreement, and contact the Park Commission and Park Manager to discuss and consider moving the Park Manager position/employee into a formal employment agreement under the Township, rather than the current Park Commission employee status. Adoption of such Agreement would be subject to Township Board approval. Nay: Knotts, Reichle. Carried.

NB 9 – Supervisor Westrick, supported by Trustee Reichle, moved to adopt Resolution 29-2022, Appointment of Building Official, Zoning Administrator, Building Code Inspectors, and Ordinance Enforcement Officer for Year 2023, as follows. Carried.

RESOLUTION 29-2022
APPOINTMENT OF BUILDING OFFICIAL, ZONING ADMINISTRATOR, CODE
INSPECTORS and ORDINANCE ENFORCEMENT OFFICER

East China Charter Township
County of St. Clair, Michigan

Minutes of a regular meeting of the Township Board of East China Charter Township, County of St. Clair, Michigan, held on the 19th day of December 2022 at 7:30 p.m.

PRESENT: Westrick, Mattei, Hart, Knotts, Reichle, Blackstock, Babel.

ABSENT: None.

The following Resolution was offered by Member Westrick, and supported by Member Reichle.

WHEREAS, Pursuant to Section 8b(6) of The Stille-DeRossett Hale Single State Construction Code Act, 1972 PA 230, MCLA 125.1508b(6), East China Township has, under Ordinance 117 as amended, elected to administer and enforce the 1972 PA 230 and the Michigan Building Code, and

WHEREAS, East China Township has designated the Code Officials as listed below to discharge the responsibilities of East China Township under 1972 PA 230; and all related Township zoning and other ordinances,

NOW, THEREFORE, BE IT RESOLVED that Tracy Kallek is hereby appointed as a Building Official, Building Inspector, Zoning Administrator for East China Township charged with the duty of ensuring the issuance of permits, overseeing inspections, and keeping a record of all activities as part of the permanent records of East China Township, and discharging the responsibilities of the enforcing agency for East China Township under the provisions of the Michigan Construction Codes in accordance with 1972 PA 230 for the year 2023.

FURTHERMORE, BE IT RESOLVED that Kelly Smith shall be appointed as Plumbing / Mechanical Code Inspector and Greg Furtah as Electrical Code Inspector, and James Schafer as Ordinance Enforcement Officer for the Charter Township of East China for the year 2023.

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Westrick, Mattei, Hart, Knotts, Reichle, Blackstock, Babel

NAYS: None.

ABSENT: None.

RESOLUTION DECLARED ADOPTED.

MEMBER COMMENTS – Supervisor Westrick informed members that the Township has hired Attorney Fletcher to represent the Township in 2 pending court cases. Members wished staff, boards, commissions and our residents Happy Holidays and a Happy New Year.

ADJOURN – Reichle, supported by Treasurer Hart, moved to adjourn at 8:01 p.m. Carried.

Sandra Mattei, Clerk

Verne Westrick, Supervisor