

EAST CHINA CHARTER TOWNSHIP

OFFICIAL PROCEEDINGS

DECEMBER 18, 2023

CALL TO ORDER – Supervisor Westrick called the meeting to order at 7:30 p.m., with Clerk Smith, Treasurer Hart, and Trustees Reichle, Blackstock, Knotts. Trustee Babel Absent.

PLEDGE OF ALLEGIANCE

APPROVE AGENDA – Trustee Blackstock, supported by Treasurer Hart, moved to approve the Agenda with the addition of NB-9. Carried.

APPROVE MINUTES – Trustee Reichle, supported by Trustee Knotts, moved to approve the Minutes of December 4, 2023. Carried.

PUBLIC COMMENT – Angie Gleason & Assistant Superintendent Dawn Demick from East China School District were present to review the upcoming Millage Renewal on the February 2024 Ballot.

Trustee Reichle asked about the East China School District millage renewing in 9-years in February, rather than November for 10-years.

CONSENT AGENDA – Clerk Smith, supported by Trustee Reichle, moved to accept the Consent Agenda as follows: Financial Reports, MCAFA Run Report 11/23, MCAFA Audit Report, MCAFA 9/23 Minutes, Park Commission Minutes for 9/23, Historical Commission Minutes for 11/23 & 12/23. Carried.

DISBURSEMENTS – Treasurer Hart, supported by Trustee Knotts, moved to approve Payroll \$56,205.68, Accounts Payable \$26,981.60, Tax account \$1,569.72, Invoices \$186,373.33, EFTs \$71,307.51, and E-checks \$604.60. Roll call vote: Yea: Reichle, Westrick, Blackstock, Hart, Knotts, Smith. Carried.

NEW BUSINESS

NB-1 Resolution 19-2023 MDOT Performance

Trustee Reichle, supported by Supervisor Westrick, moved to adopt Resolution 19-2023 – Performance for Municipalities with MDOT. Carried.

Michigan Department of
Transportation
2207B (05/21)

RESOLUTION 19-2023 PERFORMANCE RESOLUTION FOR MUNICIPALITIES

Page 1 of 2

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.

MDOT 2207B (05/21)

Page 2 of 2

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.

Title and/or Name:

Verne Westrick, Township Supervisor

Cynthia Paparelli, Township Manager

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by the

Board of Trustees

of the Charter Township of East China

of St. Clair County

(County)

at a Board of Trustees

meeting held on the 18th day of December 2023.

RESOLUTION DECLARED ADOPTED.

NB-2 Resolution 17-2023 Annual Poverty Exemption

RESOLUTION 17-2023

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 **18th** day of **December 2023**, at 7:30pm.

PRESENT: Westrick, Smith, Hart, Blackstock, Knotts, Reichle

ABSENT: Babel

The following Resolution was offered by Smith, and supported by Reichle.

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 18, of 2023.), 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, Hart, Smith, Knotts, Reichle, Blackstock.

NAYS: None.

RESOLUTION DECLARED ADOPTED.

NB-3 Resolution 16-2023 Appoint Officials

RESOLUTION 16-2023 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 18th day of December 2023 at 7:30 p.m.

PRESENT: Westrick, Hart, Smith, Blackstock, Reichle, Knotts

ABSENT: Babel

The following Resolution was offered by Knotts and supported by 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 2024.

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 2024.

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, Smith, Hart, Blackstock, Knotts, Reichle

NAYS: None

ABSENT: Babel

RESOLUTION DECLARED ADOPTED

RESOLUTION 18-2023 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 18th day of December 2023 at 7:30 p.m.

PRESENT: Westrick, Smith, Hart, Blackstock, Reichle, Knotts

ABSENT: Babel

The following Resolution was offered by Hart, and supported by 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

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, Smith, Hart, Blackstock, Reichle, Knotts

NAYS: None

ABSENT: Babel

RESOLUTION DECLARED ADOPTED

NB 5 – Conference Request by Wastewater Superintendent

Trustee Knotts, supported by Treasurer Hart, moved to approve attendance at a 2-day Conference for Wastewater Superintendent with necessary expenses in the amount of \$727.10. Roll call vote: Yea: Knotts, Reichle, Blackstock, Smith, Hart, Westrick. Carried.

NB 6 – Appoint Historical Member

Clerk Smith, supported by Trustee Reichle, moved to appoint Andrea Harrington to the Historical Commission for a 3-year term ending December 18, 2026. Carried.

NB 7 – Resolution 21-2023 Budget Amendments

RESOLUTION 21-2023
AMEND THE 2023 BUDGET: Quarter 4, 2023
 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 18th day of December 2023.
PRESENT: Westrick, Smith, Hart, Blackstock, Reichle, Knotts
ABSENT: Babel

The following Resolution was offered by Hart and supported by Smith.

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 Building Department Fund;
NOW, THEREFORE, BE IT RESOLVED, that the East China Board of Trustees hereby approves Budget Amendments for the 4th Quarter of 2023 as follows and as detailed in EXHIBIT A:

	FROM	TO	INCREASE/DECREASE
GENERAL FUND			
Revenue	\$128,850.00	\$201,111.00	\$72,261.00
Expense	\$343,030.00	\$405,350.00	\$62,920.00
BUILDING DEPT			
Revenue	\$64,500.00	\$86,000.00	\$21,500.00
Expense	\$50,636.00	\$60,936.00	\$10,300.00
CWSRF Cap Imp Debt Fund			

Revenue	\$0.00	\$71,258.00	\$71,258.00
Expense	\$71,258.00	\$8,687.00	-\$62,571.00

DWSRF Cap Imp Debt Fund

Revenue	\$0.00	\$142,348.00	\$142,348.00
Expense	\$142,348.00	\$13,768.00	-\$128,580.00

Capital Projects

Revenue	\$47,500.00	\$163,420.00	\$115,920.00
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EXHIBIT A

	FROM	TO	INCREASE/DECREASE	
GENERAL FUND				
Revenue	\$128,850.00	\$201,111.00	\$72,261.00	interest, ARPA moved in to cover columbarium 2nd pymt
Total	\$128,850.00	\$201,111.00	\$72,261.00	
Expense				
Other Clerk				
Activities	\$15,300.00	\$15,800.00	\$500.00	general
Attorney	\$11,600.00	\$12,100.00	\$500.00	ongoing legal issues
Highway/Roads	\$15,000.00	\$22,200.00	\$7,800.00	road costs rec'vd in May each year
Street Lighting	\$30,000.00	\$31,800.00	\$1,800.00	general in creases
Rubbish	\$235,000.00	\$268,000.00	\$33,000.00	underbilled in 2022 AND fuel surcharges
Cemetery	\$35,500.00	\$54,755.00	\$19,255.00	columbarium 2nd payment
SCCSWA Meetings	\$630.00	\$695.00	\$65.00	underbudgeted
Total	\$343,030.00	\$405,350.00	\$62,920.00	
BUILDING				
Revenue	\$64,500.00	\$86,000.00	\$21,500.00	budget estimates done in 2022
Total	\$64,500.00	\$86,000.00	\$21,500.00	
Expense				
Building Inspector				
Wages	\$50,636.00	\$60,936.00	\$10,300.00	budget estimates done in 2022
Total	\$50,636.00	\$60,936.00	\$10,300.00	

CWSRF Cap Imp Debt Fund					
Revenue		\$0.00	\$71,258.00	\$71,258.00	transfer in to cover interest
Total		\$0.00	\$71,258.00	\$71,258.00	
Expense					
Interest Loan Payment		\$71,258.00	\$8,687.00	-\$62,571.00	interest lower than budgeted
Total		\$71,258.00	\$8,687.00	-\$62,571.00	
DWSRF Cap Imp Debt Fund					
Revenue		\$0.00	\$142,348.00	\$142,348.00	transfer in to cover interest
Total		\$0.00	\$142,348.00	\$142,348.00	
Expense					
Interest Loan Payment		\$142,348.00	\$13,768.00	-\$128,580.00	interest lower than budgeted
Total		\$142,348.00	\$13,768.00	-\$128,580.00	
Capital Projects					
Revenue		\$47,500.00	\$163,420.00	\$115,920.00	RCWilson grant from deferred to revenue & investment income
Total		\$47,500.00	\$163,420.00	\$115,920.00	

RESOLUTION DECLARED ADOPTED.

NB 8 – Resolution 20-2023 Pay Rates for Boards & Commissions

**RESOLUTION 20-2023
 (REVISED) PAY RATES FOR EAST CHINA TOWNSHIP
 BOARDS, COMMISSION AND AUTHORITY MEMBERS**

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 18TH day of December 2023 at 7:30 p.m.

PRESENT: Westrick, Smith, Hart, Blackstock, Reichle, Knotts

ABSENT: Babel

The following Resolution was offered by Knotts and supported by Reichle.

WHEREAS, good financial management recommends having a single resolution stipulating Boards, Commission and Authority member pay rates which can be more easily reviewed and renewed annually; and

WHEREAS, not all Boards, Commission, authorities and councils to which Members of the Community or Board Members are appointed or who serve as the Township's designated representative were included in the previous resolution or pay rates needed additional clarification;

NOW, THEREFORE, BE IT RESOLVED that the Township Board of Trustees establishes the following pay rates for all East China Township Board and Commission members, Authority Members, and Board of Trustee members serving as official representatives to non-Township advisory commissions, councils, or governmental organizations. These pay rates do not include annual pay rates for the Township Board of Trustee members regular Township Board meetings:

Park Commission , Planning Commission and ZBA Commissions

Chair \$30 per meeting

Secretary \$25 per meeting

Members \$25 per meeting

Historical Commission

Chair \$30 per meeting

Secretary \$30 per meeting

Members \$25 per meeting

St Clair River Water & Sewer Authority

Chair \$30 per meeting

Secretary \$30 per meeting

Members \$25 per meeting

Township Board of Review

Members \$25 per meeting; \$10 per hour after first hour

Non-Township Council/Advisory commission/governmental agency

Board-appointed member \$25 per meeting

BE IT FURTHER RESOLVED that the pay rates shown above shall be in effect on the date that this resolution is adopted.

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, Smith, Hart, Blackstock, Reichle, Knotts

NAYS: None

ABSENT: Babel

RESOLUTION DECLARED ADOPTED

NB 9 -Hi-Tech Agreement

Trustee Reichle, supported by Trustee Blackstock, moved to purchase a block of 10-hours from Hi-Tech for our tech services in the amount of \$1,600. Roll call vote: Yea: Westrick, Smith, Hart, Reichle, Knotts, Blackstock. Carried.

MEMBER COMMENTS

Members wished condolences to Trustee Debbie Babel. Members wished Merry Christmas to all. Trustee Reichle asked about how people can apply for the open Commission seats. Clerk Smith said that the AV applications will be going in the mail soon for Absent Voters for the February Election and postcards will be mailed out soon after regarding 9-days of early voting before Election Day.

ADJOURN – Trustee Reichle, supported by Treasurer Hart, moved to adjourn at 8:11 p.m. Carried.

Sandra Smith, Clerk

Verne Westrick, Supervisor