

EAST CHINA CHARTER TOWNSHIP

OFFICIAL PROCEEDINGS

MAY 2, 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 Paperelli also present.

PLEDGE OF ALLEGIANCE

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

MINUTES – Trustee Reichle, supported by Treasurer Hart, moved to approve the Regular & Closed Session Minutes of April 18, 2022. Carried.

PUBLIC COMMENT – None.

CONSENT AGENDA – Trustee Reichle, supported by Trustee Babel, moved to accept the Consent Agenda items as follows: Township Manager report, Building Permits for April 2022, and Park Minutes for March 2022. Carried.

DISBURSEMENTS – Treasurer Hart, supported by Trustee Babel, moved to approve Invoices \$39,681.86, Payroll Direct Deposits \$30,698.13, Accounts Payable \$115,910.76, EFT's \$11,151.72, E-Checks \$302.30. Roll call vote: Yea: Hart, Blackstock, Reichle, Babel, Westrick, Knotts, Mattei. Carried.

OLD BUSINESS

OB 1 – Clerk Mattei, supported by Trustee Knotts, moved to approve Sanitary Sewer Pipeline pressure testing and grouting contingency for time and material in the amount of \$9,333.00, added to the last meeting approval of \$18,763.00 for this scope of work to be completed. New total for project is \$28,096.00, from Fund 590-529-930. Roll call vote: Yea: Mattei, Knotts, Hart, Reichle, Babel, Blackstock, and Westrick. Carried.

NEW BUSINESS

NB 1 – Clerk Mattei, supported by Trustee Knotts, moved to adopt Resolution 05-2022 and authorize Publication of Notice of Intent to Issue Bonds and Declaration of Intent to Reimburse and engage the services of Bond Counsel Miller Canfield, Steven Mann with associated costs of \$23,500. Roll call vote: Yea: Hart, Babel, Blackstock, Reichle, Knotts, Mattei, and Westrick. Carried.

Resolution 05-2022

RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENT TO ISSUE BONDS AND
DECLARATION OF INTENT TO REIMBURSE
(2022 CWSRF BONDS)

CHARTER TOWNSHIP OF EAST CHINA
County of St. Clair, State of Michigan

Minutes of a regular meeting of the Township Board of the Charter Township of East China, County of St. Clair, State of Michigan, held on the 2nd day of May, 2022 at 7:30 p.m., Eastern Daylight Time.

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

ABSENT: Members: None.

The following preamble and resolution were offered by Member Mattei, and supported by Member Knotts:

WHEREAS, the Charter Township of East China, County of St. Clair, State of Michigan (the "Township"), intends to issue general obligation capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in one or more series, in an aggregate principal amount of not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000) (the "Bonds") for the purpose of paying all or part of the cost to acquire, construct, furnish and equip Improvements to the Township's existing sanitary sewer system, consisting generally of (i) lining of sanitary sewer along Pointe Drive, the St. Clair River, and Eldon, Loretta and Marell streets, installation of cleanouts and rehabilitation of manholes, and cleaning and inspecting pre and post construction sanitary pipes, and (ii) rehabilitation of three pump stations, including pumps, controls, and electrical cabinet replacement along with pump station pipework and check and gate valve replacements, and raising the pump station on Pointe Drive above the floodplain elevation, together with interests in land, site Improvements, equipment, appurtenances and attachments thereto (collectively, the "Project"); and

WHEREAS, the Township has been advised by the Michigan Department of Environment, Great Lakes and Energy ("EGLE") that financial assistance to accomplish the acquisition and construction of the Project is available through the Clean Water State Revolving Fund ("CWSRF") loan program administered by the Michigan Finance Authority (the "MFA"), pursuant to which the MFA would purchase the Bonds from the Township; and

WHEREAS, the Township has made application for participation in the CWSRF loan program; and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid Bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, the Township intends at this time to state its intention to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the Township for the Project prior to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Clerk is hereby authorized and directed to publish a notice of intent to issue the Bonds in the Port Huron Times Herald, a newspaper of general circulation in the Township.

2. The notice of intent shall be published as a display advertisement not less than one quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.

3. The Township Board hereby determines that the form of notice of intent to issue the Bonds attached hereto as Exhibit A and the manner of publication directed is the method best calculated to give notice to the Township's electors and taxpayers residing within the boundaries of the Township of the Township's intent to issue the Bonds, the purpose of the Bonds, the security for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The Township makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the Township reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the Township.
- (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof.
- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$4,500,000.
- (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the Township's use of the proceeds of the debt to be issued for the Project to reimburse the Township for a capital expenditure made pursuant to this resolution.

5. The Township hereby confirms the retention of Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield"), as bond counsel in connection with the Bonds. The Township has been advised that Miller Canfield has represented the MFA in the past and may be representing the MFA presently in connection with various matters including the CWSRF loan program and the Township consents to the representation of the MFA by Miller Canfield in connection with the CWSRF loan program that may be utilized by the Township in connection with the Bonds.

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

RESOLUTION DECLARED ADOPTED.

NB 2 – Supervisor Westrick, supported by Trustee Blackstock, moved to approve engaging the services of Bendzinski & Co. Municipal Finance Advisors and authorize the Township Manager to sign the letter of engagement for the CWSRF 2022 Bonds, with associated costs of \$20,800. Roll call vote: Yea: Hart, Babel, Blackstock, Reichle, Knotts, Mattei, Westrick. Carried.

NB 3 – Supervisor Westrick, supported by Treasurer Hart, moved to approve engaging the services of Bendzinski & Co. Municipal Finance Advisors and authorize the Township Manager to sign the letter of agreement for the DWSRF 2022 Bonds, with associated costs of \$20,800. Roll call vote: Yea: Reichle, Babel, Hart, Mattei, Westrick, Blackstock, Knotts. Carried.

NB 4 – Supervisor Westrick, supported by Trustee Blackstock, moved to approve a proposal from Project Control Engineering for Architectural Conceptual Drawings, meet with department heads for site review, and prepare estimate of construction costs, in addition to a needs assessment in the amount of \$4,300. Roll call vote: Yea: Hart, Babel, Blackstock, Reichle, Knotts, Mattei, Westrick. Carried.

NB 5 – Members agreed to schedule a work-session to review Ordinance 290 – Chapter 245. Fire & Emergency Reimbursements at 6:30 p.m. before the next meeting on May 16, 2022.

NB 6 – Clerk Mattei, supported by Trustee Blackstock, moved to approve the purchase of a conference table and chairs for the meeting room, as recommended by Supervisor Westrick, in the amount up to \$4,000. Roll call vote: Yea: Hart, Babel, Blackstock, Reichle, Knotts, Mattei, Westrick. Carried. Clerk Mattei suggested 2-8' tables that can be easily moved and disassembled for elections.

MEMBER COMMENTS – Clerk Mattei stated that Curbside Chipping has been changed from Wednesday to Thursday, May 5, 2022, and East China School District Election will be Tuesday, May 3, 2022 from 7 am until 8 pm at Township Hall.

ADJOURN – Trustee Reichle, supported by Trustee Babel, moved to adjourn at 8:08 p.m. Carried.

Sandra Mattei, Clerk

Verne Westrick, Supervisor