

EAST CHINA CHARTER TOWNSHIP

OFFICIAL PROCEEDINGS

June 20, 2022

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

PLEDGE OF ALLEGIANCE

APPROVE AGENDA – Trustee Reichle, supported by Trustee Babel, moved to approve the Agenda with the addition of NB6 & NB7. Carried.

MINUTES – Trustee Reichle, supported by Treasurer Hart, moved to approve the Minutes of June 6, 2022. Carried.

PUBLIC COMMENT – Ken Cummings of Tri-County EMS offered information regarding ambulance services in St. Clair County and the .5 mill on the August Ballot for ambulance service funding.

CONSENT AGENDA – Clerk Mattei, supported by Trustee Reichle, moved to accept the Consent Agenda items as follows: May 2022 Financial Reports, Marine City & St. Clair Fire Reports for May 2022, Park Commission Minutes for May 2022, Building Bond List, and SCRSWA Minutes for February 2022. Carried.

DISBURSEMENTS – Clerk Mattei, supported by Treasurer Hart, moved to approve Invoices \$175,716.44, Payroll Direct Deposits \$32,230.94, EFT's \$11,477.73, Accounts Payable \$187,260.40, E-Check \$302.30, and Void #37443, \$5,414.50. Roll call vote: Yea: Hart, Reichle, Babel, Blackstock, Westrick, Knotts, Mattei. Carried.

OLD BUSINESS

OB 1 – Clerk Mattei, supported by Trustee Babel, moved to approve the second reading of Ordinance 324 to Amend Ordinance 290, Chapter 245 – Fire and Emergency Reimbursement. Roll call vote: Yea: Mattei, Hart, Reichle, Babel, Blackstock, Knotts and Westrick. Carried.

ORDINANCE NO. 324

CHARTER TOWNSHIP OF EAST CHINA ST. CLAIR COUNTY, MICHIGAN

AN ORDINANCE TO AMEND ORDINANCE 290, CHAPTER 245 – Fire and Emergency Reimbursement, Sections 245-2, 245-3, 245-8.

THE CHARTER TOWNSHIP OF EAST CHINA ORDAINS:

SECTION 1. PURPOSE.

The purpose of the ordinance is to amend the Code of Ordinances, Chapter 245, Sections 245-2, 245-3, 245-8. To provide provisions to allow the township to recover costs incurred in connection with certain assessable emergency services, which the township provides by contract with outside municipalities and to provide for the enforcement of this ordinance.

SECTION 2. AMENDMENT.

Chapter 245, Fire and Emergency Reimbursement, is hereby to read as follows:

§ 245-1. Purpose

It is the purpose of this chapter to provide for charges for certain assessable services, to define responsibility for such charges, and to clarify that any party benefiting from the Township's contract for fire and emergency services shall be liable for payment of services rendered and to allow for billing through the Township for other departments or agencies providing assistance within the Township.

§ 245-2. Responsible parties.

- A. The Township shall bill commercial entities or corporations determined to be responsible for certain assessable services provided by or through the Township fire and emergency contract with outside municipalities. Any party benefiting from such services shall be liable for payment of the full charge for such services rendered. When a particular service rendered by or through the Fire Department directly benefits more than one person or property, the owner of each property so benefited and/or each person so benefited, if property protection is not involved, shall each be liable for payment of the full charge for services. Beneficiaries shall also be responsible jointly and severally for charges billed to the recipient of the service.

§ 245-3. Assessable costs.

Costs associated with the following responses, actions or services, also referred to as "assessable services," shall be jointly and severally assessed to any and all responsible and benefited parties:

- A. Every fire in or at a structure or on a property.
- B. A utility line or facility failure or problem.
- C. Any technical rescue unit (i.e., means the equipment and/or specially trained rescue and/or recovery team provided by governmental or private emergency response service to provide emergency service in situations involving the technical rescue and/or recovery situation).
- D. A false alarm.

§ 245-4. Costs covered.

Costs incurred by the Township include but are not limited to materials, equipment, manpower, administration, and assistance provided through the Township's contract for fire and emergency services with outside municipalities or outside sources or contractors, injuries or damages to people or property that result from the situation which caused the Township to incur assessable costs, and any other factors deemed relevant by the Township Board.

§ 245-5. Charges for services.

The charge for each of the responses, actions or services set forth in § **245-3** shall be \$250. Any subsequent changes in these charges shall be set by resolution of the Board of the

Charter Township of East China. All charges assessed pursuant to this chapter shall become due within 30 calendar days of the date of the statement, unless an appeal is pending.

Approved 7.5.2022

§ 245-6. Applicability of charges regardless of outcome.

The charges under this chapter shall be applicable regardless of the results or outcome of services provided by or through the outside Fire Department with regard to the particular fire, rescue service, or other emergency involved.

§ 245-7. Right to appeal.

Any responsible party who receives a statement of charges pursuant to this chapter shall have the opportunity to appeal the costs to the Township Board. The responsible party who wishes to appeal any charges shall file a written appeal with reasons for the appeal with the Township Treasurer within 14 calendar days of the statement of the charges. The appeal will stay all payments due until the appeal is decided by the Township Board. The appeal will be placed on the agenda of the next regularly scheduled or special Township Board meeting. The Township Board will consider the request and will make a determination regarding the charges in the case appealed. The Township Board will also determine the date that any or all charges involved in the appeal will become due.

§ 245-8. Collection of charges.

- A. The Township may proceed in District Court by suit to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.
- B. Assessable costs, lien upon property. Assessable costs when not paid, including late payment and interest, shall constitute a lien upon real property which shall be payable and collectible in the same manner as real property taxes, including interest and penalties thereto as a cumulative remedy. To the extent allowed by applicable law, the Township may pursue any responsible party under either or both Subsection **B(1)** or **(2)**.
[Added 10-6-2021 by Ord. No. 321]

- (1) Any responsible party who fails to timely pay the costs assessed pursuant to this chapter shall be considered in default. In the case of default, the Township may commence a civil action to recover the costs, plus a late payment penalty of 1% per month or part of a month during which the costs remain unpaid. In addition to the costs, fees, or penalties provided in the chapter, the Township may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate action at law against persons found to be a responsible party.
- (2) All of the costs for services that have been rendered to real or personal property in the Township, or the owner of real or personal property in the Township, may be billed to the owner of the subject property, and all invoices which remain unpaid for more than 30 days shall become a lien on the property and assessed against such property.

§ 245-9. Nonexclusive charge.

The foregoing charges shall not be exclusive of the charges that may be made by the Township for the costs and expenses of maintaining a fire and emergency service contract but shall only be supplemental thereto. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving the same or by a special assessment established under the Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof, other than the part declared void or inoperable.

SECTION 4. REPEAL

All Ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective upon publication after adoption.

SECTION 6. INSPECTION OF ORDINANCE

A copy of this Ordinance may be inspected or purchased at the Township Hall, 5111 River Road, East China, Michigan 48054, during regular posted office hours.

NEW BUSINESS

NB 1 – Trustee Knotts, supported by Treasurer Hart, moved to increase wages of employee #00285, DPW Operator III classification to \$30.25, obtaining an S-2 license, effective June 6, 2022. Roll call vote: Yea: Hart, Babel, Reichle, Blackstock, Knotts, Mattei, and Westrick. Carried.

NB 2 – Trustee Knotts, supported by Trustee Reichle, moved to increase wages of employee #00038, DPW Operator III classification to \$29.48, effective June 20, 2022. Roll call vote: Yea: Hart, Babel, Blackstock, Reichle, Knotts, Mattei, Westrick. Carried.

NB 3 – Clerk Mattei, supported by Trustee Blackstock, moved to adopt Resolution 08-2022 Approving Contract and authorizing Notice of Intent (DWSRF). Roll call vote: Yea: Mattei, Reichle, Knotts, Blackstock, Babel, Hart, and Westrick. Carried.

RESOLUTION 08-2022 APPROVING CONTRACT AND AUTHORIZING NOTICE OF INTENT (DWSRF)

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

Minutes of a regular meeting of the Township Board (the "Township Board") of the Charter Township of East China, County of St. Clair, State of Michigan (the "Local Unit"), in the Township on the 20th day of June, 2022 at 7:30 p.m., Eastern Daylight Time.

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

ABSENT: Members: None.

The following resolution was offered by Member Mattei and seconded by Member Blackstock:

WHEREAS, the Local Unit is a constituent municipality of the St. Clair River Sewer and Water Authority (the "Authority"), which is organized under the provisions of Act 233, Public Acts of Michigan, 1955, as amended ("Act 233"); and

WHEREAS, Act 233 empowers the Authority to furnish the supply, treatment and distribution of water service and to acquire, own, improve, enlarge and extend a water supply system; and

WHEREAS, the Authority operates an existing water supply system that serves the Local Unit; and

WHEREAS, Act 233 empowers the Authority to finance the acquisition, construction, furnishing and equipping of water supply system improvements; and

WHEREAS, the Authority and the Local Unit desire to acquire, construct, furnish and equip certain improvements to the Authority's existing water supply system to serve the Local Unit; and

WHEREAS, a contract among the Local Unit and the Authority (the "Contract") for the acquisition, construction, furnishing, equipping and financing of certain improvements to the Authority's existing water supply system to serve the Local Unit, consisting generally of removing and replacing existing valves, abandonment of existing water main, transfer of existing water services with new stop box, hydrant assembly, open cut of PVC and ductile iron pipe, directional drilling of HDPE, bypass assembly, meter replacement assembly, meter register assembly, and other related work items including driveway and road removal and replacement and connections to existing water mains, together with all necessary interests in land, appurtenances and attachments thereto (the "Improvements") has been prepared; and

WHEREAS, the Contract provides for the issuance of bonds by the Authority on behalf of the Local Unit to provide for the financing of the costs of the Improvements (the "Bonds").

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Contract is hereby approved, ratified and confirmed and the Supervisor and Clerk of the Local Unit are hereby authorized and directed to execute, seal and deliver the Contract for and on behalf of the Local Unit; provided, however, that the Contract shall not become effective until the expiration of forty-five (45) days after the date of the publication of the notice attached hereto as Exhibit A as a display advertisement of at least 1/4-page size in one or more newspapers of general circulation within the territory encompassed by the Authority, which manner of publication is deemed by the Township Board of the Local Unit to be the most effective manner of informing the taxpayers and electors of the Local Unit of the details of the proposed Contract and the rights of referendum thereunder.

2. The Local Unit shall take or abstain from taking all actions required by the Internal Revenue Code of 1986, as amended (the "Code"), and regulations thereunder as may be necessary to retain for the interest on the Bonds from the exclusion of interest from adjusted gross income for federal income tax purposes.

3. The Clerk (or the Clerk's designee), is hereby directed to publish the attached notice as soon as possible after the adoption hereof in substantially the form attached, with such changes as shall be approved by the Clerk or the Clerk's designee, upon the advice of bond counsel, so as to permit the Bonds to be issued as contemplated herein.

4. The Supervisor, Clerk, Treasurer and Township Manager of the Local Unit are hereby authorized to file such applications with the Michigan Department of Treasury as may be required for approval to issue the Bonds, and to pay any fees relating thereto.

5. Any officer of the Local Unit as may be appropriate is each hereby authorized and directed to take such further steps and actions as are necessary or desirable to enable the Authority to issue the Bonds for and on behalf of the Local Unit as contemplated herei

6. All resolutions and parts of resolutions in conflict with this Resolution be, and the same hereby are repealed.

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

NAYS: Members: None.

RESOLUTION DECLARED ADOPTED.

EXHIBIT A

NOTICE OF INTENT TO EXECUTE TAX-SUPPORTED

CONTRACT AND RIGHT TO PETITION FOR

REFERENDUM THEREON

TO THE TAXPAYERS AND ELECTORS OF THE CHARTER TOWNSHIP OF EAST CHINA:

PLEASE TAKE NOTICE that the Charter Township of East China (the "Local Unit") has approved the execution of a contract (the "Contract") with the St. Clair River Sewer and Water Authority (the "Authority") pursuant to Act No. 233, Public Acts of Michigan, 1955, as amended, which Contract will provide, in pertinent part, that the Authority will acquire, construct, furnish and equip improvements to the Authority's existing water supply system to serve the Local Unit, consisting generally of removing and replacing existing valves, abandonment of existing water main, transfer of existing water services with new stop box, hydrant assembly, open cut of PVC and ductile iron pipe, directional drilling of HDPE, bypass assembly, meter replacement assembly, meter register assembly, and other related work items including driveway and road removal and replacement and connections to existing water mains, together with all necessary interests in land, appurtenances and attachments thereto (the "Improvements"). The Authority intends to issue and sell bonds in an amount not to exceed Eight Million Dollars (\$8,000,000), in one or more series, to finance part of the cost of the Improvements. Pursuant to the Contract, the Local Unit will pay to the Authority all sums necessary to retire the principal of and interest of said bonds.

BOND DETAILS

SAID BONDS will be payable in annual installments not to exceed twenty (20) in number and will bear interest at the rate or rates to be determined at public or private sale but in no event to exceed three percent (3.0%) per annum on the balance of the bonds from time to time remaining unpaid.

LOCAL UNIT'S CONTRACT OBLIGATION

The Contract includes the pledge of the Local Unit's limited tax full faith and credit as security for its obligations under the Contract. Pursuant to such pledge, if other funds are not available, the Local Unit will be required to levy ad valorem taxes on all taxable property within its boundaries, subject to applicable constitutional, statutory, and charter tax rate limitations to the extent necessary to make the Local Unit's required payments under the Contract. It is the intent of the Local Unit to use revenues derived from the operation of the water supply system to make the required payments under the Contract.

RIGHT OF REFERENDUM

THE CONTRACT WILL BECOME EFFECTIVE WITHOUT A VOTE OF THE ELECTORS OF THE LOCAL UNIT, AS PERMITTED BY LAW, UNLESS A VALID PETITION REQUESTING AN ELECTION ON THE QUESTION OF ENTERING INTO THE CONTRACT, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE LOCAL UNIT, IS FILED WITH THE CLERK OF THE LOCAL UNIT WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF A VALID PETITION IS FILED, THE CONTRACT WILL NOT BECOME EFFECTIVE WITHOUT AN APPROVING VOTE BY THE MAJORITY OF QUALIFIED ELECTORS RESIDING WITHIN THE LOCAL UNIT VOTING ON THE QUESTION.

NB 4 – Trustee Knotts, supported by Trustee Reichle, moved to approve the IRS standard mileage reimbursements rates for the second half of 2022, effective July 1, 2022 of .625 cents per mile driven for business. Roll call vote: Yea: Hart, Babel, Blackstock, Reichle, Knotts, Mattei, Westrick.

Carried.

NB 5 – Trustee Reichle, supported by Treasurer Hart, moved to approve the annual MTA membership dues in the amount of \$6,653.02 for the period July 1, 2021 to June 30, 2022. Roll call vote: Yea: Hart, Blackstock, Babel, Reichle, Knotts, Mattei, and Westrick. Carried.

NB 6 – Clerk Mattei, supported by Trustee Reichle, moved to approve the DPW Supervisor to solicit bids for full-service lawn maintenance contract for locations as follows. Carried.

- 5111 River Road-Township Hall
- 5111 River Road-vacant lot
- Tennis court lot-Recor Rd
- 205 Recor Rd-DPW Garage
- Water Treatment Plant
- Margaret/Catherine- North Water Tower
- Red Brick School
- 801 Meisner Rd-Sewage Lift Station
- 1427 Springborn Rd-DPW Storage Barn
- Bryson Lane-vacant lot
- Bike Path
- South Water Tower

NB 7 – Trustee Knotts, supported by Treasurer Hart, moved to approve the Township Supervisor to solicit sealed bids for window replacements at the Township Hall. Carried. Clerk Mattei suggested posting ad in the paper and on our website.

MEMBER COMMENTS – Trustee Knotts said that a vacant lot at Elmwood/Riverside needs to be sent a long grass letter, it is waist high. Clerk Mattei said that the Dollar General has applied for a liquor license at the State; and that Absent Voter Applications have been sent for the August/November Elections and Ballots should be here soon.

ADJOURN – Trustee Reichle, supported by Trustee Knotts, moved to adjourn at 8:23 p.m. Carried.

Sandra Mattei, Clerk

Verne Westrick, Supervisor