

## EAST CHINA CHARTER TOWNSHIP

### OFFICIAL PROCEEDINGS

June 6, 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, and Reichle. Trustee Blackstock absent. Township Manager Cindy Paparelli also present.

### PLEDGE OF ALLEGIANCE

**APPROVE AGENDA** – Trustee Reichle, supported by Trustee Babel, moved to approve the Agenda with the addition of NB11. Carried.

**MINUTES** – Trustee Reichle, supported by Supervisor Westrick, moved to approve the Minutes of May 16, 2022. Carried.

**PUBLIC COMMENT** – None.

**CONSENT AGENDA** – Clerk Mattei, supported by Trustee Babel, moved to accept the Consent Agenda items as follows: Historical Commission Minutes for April 2022, and Building Permit Report for May 2022. Carried.

**DISBURSEMENTS** – Clerk Mattei, supported by Treasurer Hart, moved to approve Invoices \$107,974.18, Payroll Direct Deposits \$72,536.72, Payroll \$213.12, Accounts Payable \$139,684.77, EFT's \$71,684.77, E-Check \$604.60. Roll call vote: Yea: Hart, Reichle, Babel, Westrick, Knotts, Mattei. Carried.

### OLD BUSINESS

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

#### § 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 Clerk Mattei, moved to adopt Resolution 07-2022 – amending the 2<sup>nd</sup> Quarter of the 2022 Budget. Roll call vote: Yea: Hart, Babel, Reichle, Knotts, Mattei, and Westrick. Carried.

### **RESOLUTION 07-2022 AMEND THE 2022 BUDGET: Quarter 2, 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 6<sup>th</sup> day of June 2022

**PRESENT:** Westrick, Mattei, Hart, Reichle, Knotts, and Babel

**ABSENT:** Blackstock

The following Resolution was offered by Trustee Knotts, and supported by Clerk 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 Capital Projects Fund Expenditures and Revenues;

**NOW, THEREFORE, BE IT RESOLVED**, that the East China Board of Trustees hereby approves Budget Amendments for the 2<sup>nd</sup> Quarter of 2022 as follows below:

<u>FROM</u>	<u>TO</u>	<u>INCREASE/ (DECREASE)</u>
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**2013A CAPITAL  
IMPROVEMENTS  
FUND**

<b>EXPENSES</b>	<u>(\$693.75)</u>	<u>\$694.00</u>	<u>\$694.00</u>
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**TOWNSHIP CAPITAL  
PROJECTS FUND**

<b>REVENUES</b>	<u>\$395,792.00</u>	<u>\$605,792.00</u>	<u>\$210,000.00</u>
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**AYES:** Westrick, Mattei, Hart, Babel, Knotts, Reichle.

**NAYS:** None.

**ABSENT:** Blackstock.

**RESOLUTION DECLARED ADOPTED**

**NB 2** – Clerk Mattei, supported by Treasurer Hart, moved to approve a transfer of \$233,462.50 from Township Capital Projects Fund 496 to Sewer Fund 590. Roll call vote: Yea: Hart, Babel, Reichle, Knotts, Mattei, Westrick. Carried.

**NB 3** – Clerk Mattei, supported by Trustee Reichle, moved to approve the renewal of the SVS Vision Plan coverage at \$7.94 per month to full time employees; continue to offer this benefit to retirees and Township Board elected officials, at their cost; and authorize the Township Manager to sign the plan agreement. Roll call vote: Yea: Mattei, Reichle, Knotts, Babel, Hart, and Westrick. Carried.

**NB 4** – Trustee Knotts, supported by Supervisor Westrick, moved to approve the annual Michigan municipal League Workers' Compensation Fund premium payment in the amount of \$9,489.00 for coverage July 1, 2022 thru June 30, 2023. Roll call vote: Yea: Hart, Babel, Reichle, Knotts, Mattei, Westrick. Carried. A dividend credit of \$10,056 was earned for 2021, and an experience modifier reduction of \$3,972 was applied reducing our current annual premium.

**NB 5** – Clerk Mattei, supported by Trustee Reichle, moved to appoint members to the 2022 Water/Sewer rate committee: Westrick, Hart, Paperelli, Frendt, Bayly, Szyska, Theodorou, Knotts, and Light. Carried.

**NB 6** – Trustee Babel, supported by Treasurer Hart, moved to approve UHY to assist the Township in preparing a valuation of the OPEB liability for an amount not to exceed \$3,300 and authorize the Township Manager to sign the letter of engagement. Roll call vote: Yea: Babel, Reichle, Knotts, Hart, Mattei, Westrick. Carried.

**NB 7** – Trustee Knotts, supported by Trustee Reichle, moved to approve and authorize the Township Manager to sign permanent access easements for and in consideration of \$275 for parcel #74-18-551-0049-000, and \$1 each for parcels #74-18-453-0001-000, #74-18-551-0007-000, #74-18-551-0011-000, #74-18-551-0024-000, #74-18-551-0037-000, #74-18-773-5250-000, #74-18-773-0750-000, #74-18-773-5950-000. Roll call vote: Yea: Reichle, Knotts, Babel, Hart, Mattei, Westrick. Carried.

**NB 8** – Treasurer Hart, supported by Supervisor Westrick, moved to approve the purchase of a desktop computer from Hi-Tech in the amount not to exceed \$1,000.00 plus labor for installation for the front office desk. Roll call vote: Yea: Hart, Reichle, Knotts, Babel, Mattei, Westrick. Carried.

**NB 9** – Clerk Mattei, supported by Trustee Reichle, moved to authorize the Township Manager to sign a 2022 annual Preventive Maintenance Agreement with Westshore Services for the cost of \$900 for East China Township’s warning sirens, using GL #101-265-930.00. Roll call vote: Yea: Hart, Babel, Reichle, Knotts, Mattei, Westrick. Carried.

**NB 10** – Supervisor Westrick, supported by Trustee Knotts, moved to appoint Donald Wills to the Historical Commission, term expiring June 6, 2024. Carried.

**NB 11** – Trustee Knotts, supported by Supervisor Westrick, moved to approve a pay increase for employee #21032, Plant Operator obtaining an F-3 license to \$28.17 per hour. Roll call vote: Yea: Hart, Reichle, Babel, Knotts, Mattei, Westrick. Carried.

**MEMBER COMMENTS** – Treasurer Hart asked about a wooden bench on the bike path at the corner of Recor/M-29. It is falling apart and needs to be removed.

**ADJOURN** – Trustee Reichle, supported by Supervisor Westrick, moved to adjourn at 8:00 p.m. Carried.

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Sandra Mattei, Clerk

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Verne Westrick, Supervisor