

**EAST CHINA CHARTER TOWNSHIP**

**OFFICIAL PROCEEDINGS**

**July 5, 2022**

**CALL TO ORDER** – Supervisor Westrick called the meeting to order at 7:32 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 Knotts, moved to approve the Agenda with the addition of NB7. Carried.

**MINUTES** – Trustee Reichle, supported by Treasurer Hart, moved to approve the Minutes of June 20, 2022. Carried.

**PUBLIC COMMENT** – None.

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

**DISBURSEMENTS** – Clerk Mattei, supported by Treasurer Hart, moved to approve Invoices \$53,484.54, Payroll Direct Deposits \$33,101.04, EFT's \$11,176.08, Accounts Payable \$189,259.19 E-Check \$302.30, and Tax account \$57.72. Roll call vote: Yea: Hart, Reichle, Babel, Blackstock, Westrick, Knotts, Mattei. Carried.

**NEW BUSINESS**

**NB 1** – Supervisor Westrick, supported by Treasurer Hart, moved to adopt Resolution 09-2022 – Hathaway Drain.

**EAST CHINA CHARTER TOWNSHIP  
RESOLUTION 09-2022  
HATHAWAY DRAIN**

(Authorization for Expenditure of Funds in Excess of Statutory Maintenance Limit – Two Years)

WHEREAS, the St. Clair County Drain Commissioner has advised the East China Township Board of Trustees (Township) that, pursuant to Section 196 of the Michigan Drain Code (MCL 280.196), an inspection has been made of the Hathaway Drain and it has been determined, as a result of the inspection, that certain maintenance must be performed upon the drain; and

WHEREAS, the Drain Commissioner has the authority to expend Five Thousand and no/100 (\$5000.00) dollars per mile in any one (1) year for the maintenance of the drain, and where it is estimated that expenditures in excess of Five Thousand and no/100 (\$5000.00) dollars per mile are necessary, those amounts may not be expended until approved by Resolution of the governing body of each township, city and village affected by more than twenty (20%) percent of the cost; and

WHEREAS, the Drainage Board estimates that the cost of the maintenance of the Hathaway Drain will be approximately Ninety-Four Thousand Seven Hundred Fifty Two and 50/100 (\$94,752.50) dollars, which constitutes Eighty-Four Thousand Seven Hundred Fifty Two and 50/100 dollars (\$84,752.50) in excess of the authorized Five Thousand and no/100 (\$5000.00) per mile.

NOW, THEREFORE, BE IT RESOLVED that East China Township, pursuant to Section 196(5) of the Drain Code, authorizes the Drain Commissioner to expend funds for the maintenance and repair of the Hathaway Drain in excess of Five Thousand and no/100 (\$5000.00) dollars per mile for a two year period, to the extent that the drain fund for the Drain contains insufficient funds for the payment of costs incurred for the maintenance or repair of the Drain, the Drain Commissioner is authorized to levy a special assessment, as allowed by law.

The foregoing resolution was offered at the regular board meeting held on July 5, 2022, by board member Westrick, and supported by board member Hart.

Upon a roll call vote: Yea: Westrick, Hart, Mattei, Blackstock, Babel, Reichle, and Knotts.

Nay: None.

RESOLUTION DECLARED ADOPTED.

**NB 2** – Clerk Mattei, supported by Trustee Knotts, moved to approve updated Channel 6 Audio and Visual Equipment to record and televise Board meetings, in the amount not to exceed \$13,000. Roll call vote: Yea: Hart, Babel, Blackstock, Reichle, Knotts, Mattei, Westrick. Carried. The current equipment was installed in 2005.

**NB 3** – Supervisor Westrick, supported by Trustee Reichle, moved to adopt Resolution 10-2022 Tentatively Awarding A Construction Contract for Wastewater System Improvements.

**EAST CHINA TOWNSHIP RESOLUTION 10-2022**

A RESOLUTION TO TENTATIVELY AWARD A  
CONSTRUCTION CONTRACT  
FOR WASTEWATER SYSTEM IMPROVEMENTS

**WHEREAS**, the Charter Township of East China wishes to construct improvements to its existing wastewater treatment and collection system; and

**WHEREAS**, the wastewater system improvements project formally adopted on June 21, 2021 will be funded through Michigan's SRF Program; and

**WHEREAS**, the Charter Township of East China has sought and received construction bids for the proposed improvements and has received a low bid in the amount of \$ 1,554,295.50 from D.V.M. Utilities, Inc.; and

**WHEREAS**, the project engineer, Project Control Engineering, Inc., has recommended awarding the contract to the low bidder.

**NOW THEREFORE BE IT RESOLVED**, that the Charter Township of East China tentatively awards the contract for construction of the proposed wastewater system improvements project to D.V.M. Utilities, Inc., contingent upon successful financial arrangements with the SRF Program.

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

Nays: None.

Abstain: None.

Absent: None.

RESOLUTION DECLARED ADOPTED.

Supervisor Westrick, supported by Trustee Knotts, moved to adopt Resolution 11-2022 – Tentatively Awarding A Construction Contract for Wastewater System Improvements.

### **East China Township Resolution 11-2022**

#### **A RESOLUTION TO TENTATIVELY AWARD A CONSTRUCTION CONTRACT FOR WASTEWATER SYSTEM IMPROVEMENTS**

**WHEREAS**, the Charter Township of East China wishes to construct improvements to its existing wastewater treatment and collection system; and

**WHEREAS**, the wastewater system improvements project formally adopted on June 21, 2021 will be funded through Michigan's SRF Program; and

**WHEREAS**, the Charter Township of East China has sought and received construction bids for the proposed improvements and has received a low bid in the amount of \$ 853,051.00 from Boddy Construction; and

**WHEREAS**, the project engineer, Project Control Engineering, Inc., has recommended awarding the contract to the low bidder.

**NOW THEREFORE BE IT RESOLVED**, that the Charter Township of East China tentatively awards the contract for construction of the proposed wastewater system improvements project to Boddy Construction, contingent upon successful financial arrangements with the SRF Program.

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

Nays: None.

Abstain: None.

Absent: None.

**RESOLUTION DECLARED ADOPTED.**

**NB 4** – Supervisor Westrick, supported by Trustee Knotts, moved to approve East China 2022 Sanitary System Improvements – CIPP Lining Change Order #1 and authorize the Township Manager to sign the documents. Roll call vote: Yea: Hart, Blackstock, Babel, Reichle, Knotts, Mattei, and Westrick. Carried.

**NB 5** – Clerk Mattei, supported by Trustee Reichle, moved to approve a 25-hour time block of services from Hi-Tech at a cost of \$3,375. Roll call vote: Yea: Mattei, Reichle, Westrick, Knotts, Blackstock, Babel, and Hart. Carried.

**NB 6** – Supervisor Westrick, supported by Clerk Mattei, moved to approve hiring a Temporary Part-time Receptionist/Cashier for hours as needed starting June 28, 2022 thru November 30, 2022, starting pay \$15.00 per hour. After 30-days \$16.00 per hour. Beginning August 1, 2022, and while employed in the temporary position, the employee will receive the day's pay for those dates considered Holidays per the Clerical Union Contract. Roll call vote: Yea: Westrick, Mattei, Hart, Reichle, Knotts, Blackstock, and Babel. Carried.

**NB 7** – Supervisor Westrick, supported by Clerk Mattei, moved to approve Resolution 12-2022, which amends Resolution 08-2022, Changing the verbiage of the repayment schedule from 20 years to 30 years, and authorize required signatures as needed.

**EAST CHINA TOWNSHIP RESOLUTION 12-2022**

**AMENDED AND RESTATED**

**RESOLUTION APPROVING CONTRACT AND AUTHORIZING NOTICE OF INTENT**

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**CHARTER TOWNSHIP OF EAST CHINA**

**County of St. Clair, State of Michigan**

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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 5th day of July, 2022 at 7:30 p.m., Eastern Daylight Time.

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

ABSENT: Members: None.

The following resolution was offered by Member Westrick and supported by Member Mattei:

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 herein.

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

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

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 thirty (30) 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.

**MEMBER COMMENTS** – Trustee Knotts said that a vacant lot at Elmwood/Riverside has been cut. Trustee Babel asked about the process for a downed tree that has fallen across Belle River.

**ADJOURN** – Trustee Reichle, supported by Treasurer Hart, moved to adjourn at 8:16 p.m. Carried.

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Sandra Mattei, Clerk

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Verne Westrick, Supervisor