

EAST CHINA CHARTER TOWNSHIP

OFFICIAL PROCEEDINGS

JANUARY 15, 2018

CALL TO ORDER – Supervisor Simons called the meeting to order at 7:30 p.m., with Clerk Towne, Treasurer Beaudua, and Trustees Patsalis, Blair, and Blackstock. Trustee Horn excused.

PLEDGE OF ALLEGIANCE

Two in the audience.

APPROVE AGENDA – Supervisor Simons, supported by Trustee Blackstock, moved to accept the Agenda and add item 5 – CLOSED SESSION. Carried.

APPROVE MINUTES – Treasurer Beaudua, supported by Trustee Patsalis, moved to approve the minutes of January 2, 2018 and remove Patsalis in the roll call votes. Carried.

CONSENT AGENDA – Trustee Patsalis, supported by Trustee Blair, moved to accept the Consent Agenda as follows: December 2017 Marine City and St. Clair Fire reports, 2017 Marine City Fire report recap, December 13, 2017 Park Commission minutes, 2017 Sheriff Department report, January 4, 2018 Beautification Committee minutes, December 2017 Investment Income report, January 3, 2018 Historical Commission minutes, and the December 2017 Revenue and Expenditure report with corrections to the fire runs. Carried.

Undersheriff Tom Buckley was present to review the 2017 Sheriff Department report and answer questions.

DISBURSEMENTS – Treasurer Beaudua, supported by Trustee Blair, moved to approve payment of the invoices in the amount of \$62,752.45, Accounts payable \$61,838.86, Payroll \$533.79, Payroll direct deposits \$14,988.34, EFT's \$34,763.37, and Tax account \$305,687.48. Roll call vote: Yea: Beaudua, Blair, Blackstock, Patsalis, Towne, and Simons. Carried.

NEW BUSINESS – Treasurer Beaudua, supported by Trustee Patsalis, moved to approve attendance by any board member at the annual MTA Conference April 23-26, 2018, with necessary expenses. Roll call vote: Yea: Beaudua, Patsalis, Blackstock, Blair, Towne, and Simons. Carried.

Trustee Blackstock, supported by Trustee Blair, moved to approve \$995.00 to Ferguson Meter and Automation to perform a utility meter audit on all sewer and water billing accounts. Roll call vote: Yea: Blackstock, Blair, Patsalis, Beaudua, Towne, and Simons. Carried.

Trustee Patsalis, supported by Treasurer Beaudua, moved to reappoint Michael Bachler and Diana Austin to the Board of Review with terms ending January 1, 2020. Carried.

Trustee Blair, supported by Trustee Blackstock, moved to reappoint Sandra Doktor and Khizran Ali to the Beautification Committee with terms ending January 15, 2021. Carried.

CLOSED SESSION – Supervisor Simons, supported by Trustee Patsalis, moved to close the meeting and enter into Closed Session 7:52 p.m. to review a union contract. Carried.

Treasurer Beaudua, supported by Trustee Blackstock, moved to open the Board meeting at 8:29 p.m. to resume business. Carried.

RESOLUTION – 01-2018 – Trustee Patsalis, supported by Trustee Blackstock, moved to adopt Resolution 01-2018 – Performance and Indemnification for the St. Clair County Road Commission. Carried.

RESOLUTION 01-2018 PERFORMANCE AND INDEMNIFICATION

WHEREAS, East China Charter Township, hereinafter referred to as the "GOVERNMENTAL BODY" from time to time makes application to the Michigan Department of Transportation, 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 state trunkline right-of-ways at various locations within and adjacent to it's 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 State of Michigan 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 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 it's installation, construction, operation, maintenance, or other activities which are being performed under the terms of the PERMIT on, over and/or under the state trunkline right-of-way, except claims resulting from the sole negligence or willful acts or omissions of said DEPARTMENT, it's 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 it's specific prior written consent and notwithstanding the issuance of the PERMIT.

3. It will, by its own violation 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 Michigan Department of Transportation for the necessary permit to work within state trunkline rights-of-way on behalf of the GOVERNMENTAL BODY.

Larry Simons, Supervisor
Greg Towne, Clerk

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.

ANNOUNCEMENTS – Supervisor Simons told members that the St. Clair County Road Commission annual review meeting is February 26, 2018, at 3:30 p.m. The County Chapter MTA annual dinner meeting is February 28, 2018 at Alexanders in Marysville.

MEMBER COMMENTS – Supervisor Simons told members that members of the EDA wish to come to a meeting and give a presentation of services. The St. Clair Fire Authority may ask members to extend their Agreement for another 25 years. The furnace went out at the Red Brick School and has been replaced by Karas Heating and Cooling. A furnace went out at the Water Plant and has been replaced by a geo-thermal system installed by Karas Heating and Cooling. Additional bids were obtained. Employees have been doing a great job during the recent major sewer leaks in our system and flooding along Pointe Drive area.

ADJOURN – Treasurer Beaudua, supported by Trustee Blackstock, moved to adjourn at 8:56 p.m. Carried.

Greg Towne, Clerk

Larry J. Simons, Supervisor