

## CHARTER TOWNSHIP OF EAST CHINA

### OFFICIAL PROCEEDINGS

JANUARY 3, 2017

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

#### PLEDGE OF ALLEGIANCE

One in the audience.

Supervisor Simons, supported by Treasurer Beaudua, moved to add New Business #4 – Appoint John Kelb to the Park Commission. Carried.

**APPROVE AGENDA** – Treasurer Beaudua, supported by Trustee Blackstock, moved to approve the Agenda. Carried.

**APPROVE MINUTES** - Treasurer Beaudua, supported by Trustee Blackstock, moved to approve the minutes of December 19, 2016 and December 28, 2016 Special meeting. Carried.

**CONSENT AGENDA** – Trustee Horn, supported by Trustee Patsalis, moved to accept the Consent Agenda as follows: December 20, 2016 St. Clair River Sewer & Water Authority minutes, 2016 Building Department Report, 2016 Rosehill Cemetery Report, and November 2016 Revenue and Expenditure Report. Carried.

**DISBURSEMENTS** – Treasurer Beaudua, supported by Trustee Horn, moved to approve payment of the Invoices \$45,364.39, Accounts Payable \$14,167.17, Payroll \$16,858.44, Payroll direct deposit \$8,025.22, EFT's \$25,666.25. Roll call vote: Yea: Beaudua, Horn, Patsalis, Blackstock, Blair, Towne, and Simons. Carried.

**NEW BUSINESS** – Treasurer Beaudua, supported by Trustee Patsalis, moved to approve the IRS mileage rate adjustment to 53.5 cents per mile effective January 1, 2017. Roll call vote: Yea: Beaudua, Patsalis, Horn, Blackstock, Blair, Towne, and Simons. Carried.

Treasurer Beaudua, supported by Trustee Horn, moved to approve attendance by any Board member with necessary expenses at the MTA annual Conference in April 2017. Roll call vote: Yea: Beaudua, Horn, Patsalis, Blackstock, Blair, Towne, and Simons. Carried.

Park Commission Chairperson Cindy Beaudua was present to review vandalism to the new park gate and park improvements for the year ahead.

Trustee Patsalis, supported by Trustee Blackstock, moved to appoint John Kelb to the Park Commission, thru November 1, 2018. Carried.

**RESOLUTIONS** – Treasurer Beaudua, supported by Supervisor Simons, moved to adopt Resolution 01-2017 – Performance and Indemnification to perform work in the road Right-of-Way. Carried.

**RESOLUTION 01-2017**  
**PERFORMANCE AND INDEMNIFICATION**

January 3, 2017

**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 it's 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.

January 3, 2017

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.**

Supervisor Simons, supported by Treasurer Beaudua, moved to adopt Resolution 02-2017 – Establishing Meeting Dates of the Township Board for 2017. Carried.

**RESOLUTION 02-2017  
ESTABLISHING MEETING DATES OF THE TOWNSHIP BOARD FOR 2017**

**BE IT RESOLVED**, that the Township Board of East China does hereby establish that there will be two (2) regular monthly meetings held by the Township Board for the year 2017 as follows:

1. All regular meetings will be held at the Township Hall, 5111 River Road, East China.
2. Meetings will be held on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Monday of each month and shall begin promptly at 7:30 p.m.
3. Dates of the meetings will be as follows:

JANUARY 3 and 16 *(January 2 closed for New Year)*

JULY 3 and 17

FEBRUARY 6 and 21 (February 20 Presidents' Day)

AUGUST 7 and 21

MARCH 6 and 20

SEPTEMBER 5 and 18 (Sept. 4 closed Labor Day)

APRIL 3 and 17

OCTOBER 2 and 16

MAY 1 and 15

NOVEMBER 6 and 20

JUNE 5 and 19

DECEMBER 4 and 18

January 3, 2017

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** – Emterra will be picking up Christmas Trees with normal pickup.

**BOARD COMMENTS** – Trustee Horn said Happy New Year. Trustee Patsalis and Treasurer Beaudua stated that vandals damaged the new gate at the park. Clerk Towne told about Comcast channel changes. Supervisor Simons said DPW is getting more quotes for the Bobcat, and the sewer plant is to be completed by January 6, 2017, and will be ready for final payment January 30, 2017. A training schedule will be created for the office staff.

Supervisor Simons, supported by Trustee Blackstock, moved to approve Board member attendance at the EDA meeting on February 14, 2017, at a cost of \$35 for Non-members. Roll call vote: Yea: Simons, Blackstock, Blair, Patsalis, Horn, Beaudua, and Towne. Carried.

**ADJOURN** – Treasurer Beaudua, supported by Trustee Horn, moved to adjourn at 8 p.m. Carried.

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Greg Towne, Clerk

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Larry J. Simons, Supervisor