

**EAST CHINA CHARTER TOWNSHIP**  
**OFFICIAL PROCEEDINGS**

**JANUARY 4, 2010**

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**CALL TO ORDER** – Supervisor Randolph called the meeting to order at 7:30 p.m., in the Township Hall with Clerk Arnold, Treasurer Beaudua, and Trustees Simons and Bober. Trustees Horn and Patsalis excused.

Six in the audience.

**PLEDGE OF ALLEGIANCE.**

**APPROVE MINUTES** – Treasurer Beaudua, supported by Trustee Simons, moved to approve the Minutes of December 21, 2009. Carried.

**CONSENT AGENDA** – Trustee Simons, supported by Trustee Bober, moved to accept the Consent Agenda as follows: Park Commission Minutes of December 9, 2009 and the Planning Commission Minutes of December 8, 2009 with changes. Carried.

**DISBURSEMENTS** – Treasurer Beaudua, supported by Trustee Bober, moved to approve payment of the bills in the amount of \$39,655.03, payroll in the amount of \$31,062.48, ACH payments in the amount of \$30,683.72, tax account in the amount of \$117,587.02, and Brownfield Authority in the amount of \$29,631.86. Roll call vote: Yea: Beaudua, Bober, Arnold, Simons, and Randolph. Nay: None. Carried.

**NEW BUSINESS** – Sheriff Donnelly was present and reviewed the quarterly activity report. He mentioned the extra cars in the area are Boarder Patrol Stonegarden cars and they help patrol the international border and the program is funded through Federal Grant money.

Building Inspector Jeff Kern was present to review information about a couple of recently built garages. The garage built last fall at 5441 Pointe Drive is on riverfront property and the size allowed was based upon the square footage of the residence. The property owner Barbara Shonk researched our Ordinances online prior to applying for a building permit and based on what she found, she thought the garage would be smaller than the maximum size allowed. Jeff explained many factors came into play to determine the square footage allowed for detached garages. Inspector Jeff Kern made an error in calculating the size of the garage by about 200 square feet. Jeff Kern will let the Planning Commission know if language in the Zoning Ordinance should be clarified so it can be easily interpreted. Barbara Shonk asked if this error would continue to be a problem and Supervisor Randolph assured her that it has been brought to light and it is done. In December of 2003 a variance was granted for a third outbuilding to cover a pump at 5481 Pointe Drive. Trustee Simons asked about the current DTE construction. Connie Vanderveen, 5435 Pointe Drive, asked about procedures to follow to protect themselves from controversy during construction projects.

Trustee Bober, supported by Treasurer Beaudua, moved to approve attendance by Roger Malcolm and Jim Mireau at a training class in Richmond, offering .5 CEC's towards their water license, at a cost of \$150 each with necessary expenses. Roll call vote: Yea: Bober, Beaudua, Arnold, Simons, and Randolph. Nay: None. Carried.

Trustee Simons, supported by Trustee Bober, moved to reappoint Herbert Blackstock to the Planning Commission with a term ending January 6, 2013. Carried.

**RESOLUTIONS** – Trustee Bober, supported by Treasurer Beaudua, moved to adopt Resolution 10-01 – Performance and Indemnification. Carried.

**RESOLUTION 10-01  
PERFORMANCE AND INDEMNIFICATION**

**WHEREAS**, the Charter Township of East China, 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.

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.

John A. Randolph, Supervisor  
Gary J. Arnold, 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.**

Trustee Simons, supported by Trustee Bober, moved to adopt Resolution 10-02 – Establishing the 2010 Poverty Guidelines. Carried.

**RESOLUTION 10-02  
POVERTY GUIDELINES**

**WHEREAS**, the adoption of guidelines for poverty exemptions is within the purview of the Township Board; and

**WHEREAS**, the homestead of persons who, in the judgment of the Board of Review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under Public Act 390, 1994 (MCL 211.7u); and

**WHEREAS**, pursuant to PA 390, 1994 the Charter Township of East China, St. Clair County adopts the following guidelines for the Supervisor and Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;

To be eligible, a person shall do all the following on an annual basis:

- 1) Be an owner of and occupy as a homestead the property for which an exemption is requested.
- 2) File a claim with the Board of Review, accompanied by federal and state income tax returns for all persons residing in the homestead, including any property tax credit returns filed in the immediately preceding year or in the current year.
- 3) Produce a valid drivers' license or other form of identification if requested.

- 4) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if requested.
- 5) Meet the federal poverty income standards as defined and determined annually by the United States Office of Management and Budget.
- 6) The application for an exemption shall be filed after January 1, 2010 but before the day prior to the last day of Board of Review.
- 7) Any additional eligibility requirements as determined by the Township Board;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the Board of Review determines there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and these are communicated in writing to the claimant.

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.**

**Suggested Poverty Guidelines For 2010**

Size of Family Unit	Poverty Guidelines
1	\$10,800
2	\$14,600
3	\$18,300
4	\$22,100
5	\$25,800
6	\$29,500
7	\$33,300
8	\$37,000

For each additional person add \$3,700

**BOARD MEMBER COMMENTS** – Treasurer Beaudua asked about the “No Parking” signs along the south M-29 corridor. He said there is no shoulder for parking so the signs are not necessary. Supervisor Randolph will consult with the Road Commission regarding this matter.

Trustee Simons thanked residents for supporting Building Inspector, Jeff Kern. He thanked Sheriff Donnelly for attending the meeting and offering an overview of recent calls in the township.

**ADJOURN** – Trustee Simons, supported by Treasurer Beaudua, moved to adjourn at 8:17 p.m. Carried.

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John A. Randolph, Supervisor

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Gary J. Arnold, Clerk