CHARTER TOWNSHIP OF EAST CHINA
OFFICIAL PROCEEDINGS MARCH 5, 2007

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

PLEDGE OF ALLEGIANCE

One in the audience.

APPROVE MINUTES – Treasurer Beaudua, supported by Trustee Simons, moved to approve the Minutes of February 20, 2007, with the following addition as the forth paragraph under New Business. Carried.

Treasurer Beaudua has maintained throughout all discussions on this topic that no new policy is required pertaining to board approval of union pay increases. Pay grade changes and pay increase expenditures are covered and approved in the negotiated contract as approved by the township board.

PUBLIC COMMENT – Sam Buffa was present to request permission to sell frozen prepackaged treats and drinks from an ice cream truck throughout the township and parks. The general hours of sales are between 9:00 a.m. until 9:30 p.m.

Trustee Knotts, supported by Trustee Patsalis, moved to grant approval to "Sambos Treat Truck", to sell frozen prepackaged treats and drinks from their ice cream truck throughout the township. The general hours are between 9:00 a.m. and 9:30 p.m. Carried. Sam Buffa needs to go to the Park Commission to obtain permission to sell in the parks.

CONSENT AGENDA – Trustee Simons, supported by Trustee Patsalis, moved to accept the consent agenda as follows: Beautification Committee Minutes for February 1, 2007, Water Treatment Plant Annual Report for 2006, Lot Split Board Minutes for February 13, 2007, and Planning Commission Minutes for February 13, 2007. Carried.

Treasurer Beaudua, supported by Trustee Knotts, moved to table any action for Vilican Leman & Associates 2007 rates until the next meeting. Carried.

Trustee Patsalis asked about the Planning Commissions decision to table changing the language for the grade Ordinance. Supervisor Randolph stated that they are still reviewing information.

Trustee Simons asked for details about the added expense of $3,500 for the Francis/Belleview water line project.

DISBURSEMENTS – Treasurer Beaudua, supported by Trustee Knotts, moved to approve payment of the bills in the amount of $68,966.78, Payroll of $21,165.29, ACH Payments of $19,135.79, and Tax Account of $3,458,675.29. Roll call vote: Yea: Beaudua, Knotts, Patsalis, Simons, Randolph, and Arnold. Nay: None. Carried.

MEMBER REPORTS – Treasurer Beaudua reported on the February 21, 2007 Sewer and Water Authority meeting. Insurance Agent Stephen Saph, Jr. was present to review changes to the policy. He will return with an updated premium the end of April. They held the annual election of Officers: Donald Beaudua, Chair; Robert Allen, Vice-Chair; and Sharon McCulloch, Secretary/Treasurer. The Replacement Fund Reports through December 31, 2006 showed a balance of $360,646.87 for the Sewer Authority, the Water Authority balance is $69,206.09, and the Water Plant Module balance is $75,000.00. East China Township's monthly contribution to the Sewer Authority per the adopted 2007 Budget is $43,141.75. Recognition was given to Wastewater Superintendent Dion Pike and Water Superintendent Mike McLeod, in preparing an informative and well-done Annual Report. New EPA testing and river monitoring equipment has been purchased for the water plant at a cost of $3,200.00.

NEW BUSINESS – Trustee Knotts, supported by Trustee Patsalis, moved to approve the Agreement with Marine City High School Senior All Night Party Committee in the amount of $100.00. Roll call vote: Yea: Knotts, Patsalis, Beaudua, Simons. Nay: Randolph and Arnold. Carried.

Treasurer Beaudua, supported by Clerk Arnold, moved to approve attendance by Glenn VanDrese at the "Attached Growth Process Control Course", in Lansing at a cost of $225.00, from March 27-29, 2007. The course provides 1.6 semester hour in the engineering category for Class A & B certification, and 1.6 CEC's in the technical category for certification renewal. Two nights lodging at the location is $80.00 per night, plus necessary expenses. Roll call vote: Yea: Beaudua, Arnold, Simons, Patsalis, Knotts, and Randolph. Nay: None. Carried.

Trustee Knotts, supported by Trustee Simons, moved to approve the bid from M.K. Painting in the amount of $59,650.00, for painting of the "wet interior" of the Springborn Road water tower. Additional expenses including administrative and inspections not to exceed $16,000.00. Roll call vote: Yea: Knotts, Simons, Patsalis, Beaudua, Arnold, and Randolph. Nay: None. Carried. The other three bids included, L.C. United at $63,000, TMI Coating at $99,200, and Maguire Iron at $159,806.

RESOLUTION – Supervisor Randolph, supported by Trustee Knotts, moved to adopt the following resolution. Carried.

RESOLUTION 07-03
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.

March 5, 2007

BOARD MEMBER COMMENTS – Supervisor Randolph stated that the heat in the park restroom has been turned off for the season. The Sledding Hill restroom, which also houses the snow machine is heated. Supervisor Randolph will check with DPW Supervisor Malcolm about the high gas bill.

- East China Gardens is working on new plans that will be delivered to the Township soon.
- The Township Board's pension plan holder John Hancock has asked if members would like a presentation regarding their plan.

Clerk Arnold, Supervisor Randolph and Trustee Simons recently attended the St. Clair County Road Commission meeting and it was very informative.

- Clerk Arnold and Supervisor Randolph recently attended a NIMS meeting. The group is an extension of the Emergency Management Group at St. Clair County and they encourage neighboring communities to share resources and equipment when there is a widespread disaster. Each township must be certified in order to apply for Federal Grant Funds and Clerk Arnold and Supervisor Randolph have become certified to represent East China Township.
- Central Dispatch (911) wants St. Clair County to collect 0.5 mills to cover their budget. The group is currently seeking funding for 800 mghz radios to be used by all emergency responders in St. Clair County for inter-communication between fire departments, police, EMS, and DPW personnel.
- Emergency Management is supplying five radios to each fire department in the County.

Treasurer Beaudua commented that the Marine City Police Department has a large budget that is cost prohibitive for such a small community. Small towns need to share costs and services for cost effective inter-governmental cooperation.

Trustee Simons commented on the well-organized and informative St. Clair County Road Commission. Michigan has one of the lowest funding allowances; 19¢ of the gas tax goes towards road maintenance. The Road Commission is doing a good job for East China Township.

ADJOURN – Treasurer Beaudua, supported by Trustee Patsalis, moved to adjourn at 8:16 p.m. Carried.

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

March 5, 2007