

**LAPEER COUNTY ROAD COMMISSION
REGULAR BOARD MEETING
Wednesday, July 23, 2014
4:30 p.m.**

Present: Mr. Dale Duckert, Vice Chairman; Mr. Michael Hemmingsen, Member
In Attendance: Ms. Tami Erickson, Chief Financial Officer/Acting Board Secretary; Mr. Ryan Doyle, County Highway Engineer

Also in attendance: Mr. Destain Gingell, Mr. Zeb Schons

Mr. Dale Duckert, Vice Chairman, called the meeting to order at 4:30 p.m. in the Meeting Room of the Lapeer County Road Commission Building. The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

072314-135

Motion by Mr. Hemmingsen, seconded by Mr. Duckert to approve the agenda. Motion carried.

APPROVAL OF PRIOR BOARD MEETING MINUTES

072314-136

Motion by Mr. Hemmingsen, seconded by Mr. Duckert to approve the Regular Meeting minutes for July 9, 2014. Motion carried.

072314-137

Motion by Mr. Hemmingsen, seconded by Mr. Duckert to approve the Special Meeting minutes for July 14, 2014. Motion carried.

APPROVAL OF DISBURSEMENTS

072314-138

Motion by Mr. Hemmingsen, seconded by Mr. Duckert to approve disbursements dated July 24, 2014 in the amount of \$424,309.44. Motion carried.

APPROVAL OF PROJECTS

072314-139

Motion by Mr. Hemmingsen, seconded by Mr. Duckert to approve the following projects:

Almont Township

489 001 143005 4,000 Ton of Gravel- To be Hauled by Contractor, Leveled and Brined by LCRC Forces, Hough Road and Various Other Roads
Estimated Cost: \$34,800.00/\$6,848.91 Allocation/\$27,951.09 Township

489 001 143006 3,500 Ton of Limestone- To be Hauled by Contractor, Leveled and Brined by LCRC Forces, Bordman Road and Various Other Roads Estimated Cost: \$54,355.00 Township

504 001 143007 Crack Sealing the following Subdivision Roads, Tiffany Drive, Lantern Drive, Surrey Drive, Elizabeth Lane, Evergreen Trail, Hillside Court, Lakeview Drive, Pine Lake Blvd, and Spruce Trail
Estimated Cost: \$10,422.24 Township

Dryden Township

504 007 143612 Replace 36"x44' Cross Culvert on Hollow Corners between Havens and Lake George.
Estimated Cost: 3,350.00 Township

504-007-143613 Ditching on Havens Road between Crawford and Dryden Roads – From 4454 Havens on the West Side, North 350' to Cross Culvert. Estimated Cost: \$2,800.00 Township

Motion: Carried

MANAGING DIRECTOR'S REPORT

Mr. Pearson stated that he would like to defer the Approval of Heavy Truck Bid Tabulations until our next Full Board Meeting to allow for the proper amount of time for evaluation of the details of the bids.

Mr. Pearson stated that the Association of Southern Michigan Road Commissions Directors Ballot needs to be completed. Mr. Pearson stated that it was discussed in the Committee of the Whole Meeting to only vote for one candidate in each category, for the Commissioner position Michael Powers from Huron County was proposed, and for the Staff position our Ryan Doyle was proposed. Mr. Duckert stated that we were not familiar with any of the other candidates.

072314-140

Motion by Mr. Hemmingsen, seconded by Mr. Duckert to approve Mr. Michael Powers, for the Commissioner position and Ryan Doyle for the Staff position as Directors for the Association of Southern Michigan Road Commissioners. Motion: Carried

Mr. Pearson stated that Mr. Hemmingsen had not attended Monday's Committee of the Whole, during which proposed budget adjustments were discussed. Mr. Pearson stated that Mr. Hemmingsen now had a copy of the proposed budget and would like to point out that these adjustments were necessary due to the severity of the winter and due to the large cost over runs occurring with the second portion of the Dryden Road Project. Mr. Pearson reported that the large cost over runs were due to the discovery of poor soils once the road was ground. Mr. Pearson reported that the extra costs would run between \$300,000 and \$500,000. We have postponed the Bowers/Roods Lake passing flare project until next year. Mr. Hemmingsen questioned if we would be allowed to move CMAQ monies to the next year. Mr. Doyle stated that we will have to bid and obligate the monies this year and then can construct next year. Mr. Doyle stated that we were also able to move the Lum/Lake Pleasant intersection project to next year as the monies could be de-obligated. We received the approval to do this on Thursday.

Mr. Pearson reported that he has also moved the purchase of a replacement heavy truck until next year. Mr. Pearson stated that we took the bids now, but he will not order it until after the end of this fiscal year. The truck would then be built and ready shortly after the first of the year.

Mr. Pearson reported that he has posted the three open positions internally for bids. Mr. Pearson stated that these positions were open due to retirements, and he left them open through the summer to again save funds. However, it would be a real struggle to attempt to get through winter productively if we are three drivers short in the crew.

Mr. Pearson stated an update to the North Branch Gravel Haul: 45,000 Tons have been hauled and spread to date. All of this gravel came from the North Branch supply. The crews have moved out of that location and are now hauling out of the Bates Pit. All of the crews are working extremely hard as this has been a very short season, and they have been hauling 3,000 tons a day, while a typical haul averages 2,000 – 2,500 tons a day. There are still 90-100,000 tons left to haul in North Branch Township.

ENGINEERING REPORT

Mr. Doyle requested approval of the Karegnondi Water authority Winter Construction Agreement which outlines what activities they are allowed to do, when and where they are allowed to do them. Agreement also restricts them from performing any work during spring restrictions.

072314-141

Motion by Mr. Hemmingsen, seconded by Mr. Duckert to approve Karegnondi Water Authority (KWA) Winter Road Maintenance Agreement. Motion carried.

Mr. Doyle gave a quick update on the Dryden Road project; stating that the undercuts are complete, the subgrade on the south side is complete, and they are currently waiting for the limestone to be delivered.

Mr. Doyle also reported that the tree removal on Baldwin Road has begun. Mr. Doyle stated that he is not sure when the contractor, who is doing the hill cuts, will be in.

Mr. Doyle reported that the tree removal on Marathon Road is complete, and crews are moving to McDowell Road. Mr. Doyle states that he expects the guardrail contractor will begin soon.

PUBLIC TIME

Mr. Dave Poole, 4463 McDowell Road, Lapeer, MI 48446

Mr. Poole held up a No Trespassing and asked if everyone knew what it was. He stated that these signs were posted on his property. Mr. Poole stated that if any Road Commission employee or employee of the tree removal company steps over the 33 foot Right-of-Way line, he will prosecute. Mr. Poole then offered copies of the law, Michigan statutes, and U.S. Constitutional laws regarding trespassing. Mr. Poole stated that he does have rights. Mr. Poole stated that what the Road Commission is doing is wrong, and that the paperwork of the Road Commission is appalling.

Mr. Poole stated that he would like a copy of the minutes of this meeting for his attorney. Mr. Poole stated that it is appalling that the Road Commission would charge \$144.00 for copies of the information he requested under the Freedom of Information Act, although the Road Commission is entitled to charge for it.

Mr. Poole inquired if the Road Commissions application for Federal Grant money was on November 27th of 2013? Mr. Doyle stated that he did not have the paperwork in front of him and could not answer that question. Mr. Poole stated that he had a copy of the application and all of the paperwork submitted to receive Federal Grant money. Mr. Poole then asked if it were true that the Road Commission will be receiving \$213,000. Mr. Doyle stated again that he did not have the paperwork in front of him and could not answer those questions specifically. Mr. Poole stated that this is what was in the application.

Mr. Poole stated that he came into the Road Commission and asked Mr. Pearson and Mr. Doyle if they had a survey of the right-of-way, and that Mr. Doyle stated that the Road Commission do not have a surveyor on staff, and did not need to hire a contractor for a survey. Mr. Doyle stated that he had said that we so not have a surveyor on staff and that you are welcome to hire someone to survey the property if you are interested. Mr. Poole stated that the application lists a contractor who is licensed to do surveying and asked why they were not hired to perform the survey. Mr. Doyle stated that they would be hired if we had a need for them to do a survey. Mr. Poole stated that the application stated the Road Commission would hire them, the paperwork stated officially that they would be used for surveying, and now you are not going to survey anything. Mr. Doyle again stated that the Road Commission does not have a need for the road to be surveyed, and Mr. Poole is welcome to hire one if he chooses. Mr. Poole then inquired if he works for Mr. Doyle, or if Mr. Doyle works for him. Mr. Hemmingsen stated that the purpose of Public Time is to state a concern and that Mr. Poole needed to get to his point.

Mr. Poole inquired if all information in the application submitted was correct? Mr. Doyle stated that to the best of his knowledge at the time, all information was accurate. Mr. Poole stated that the Road Commission applied for projects; one on Klam to LeValley for \$224,000 and one on Gray to Washburn for \$42,000 for a total of \$267,000. Mr. Poole then stated that a crash report was submitted listing eight accidents in three years. Mr. Poole stated that there were eight property damage accidents, five injury accidents and one fatality. Mr. Poole stated that the fatality listed was in the County Press and the person who died was 19 years old, only had his license for three months and alcohol was believed to be involved. Mr. Poole stated that there was also listed a fatality in 2012 at Fern and McDowell, and asked if that was true. Mr. Doyle stated that the information he had received from the Sherriff's Department at the time stated that the fatality was at this location, but has since learned that the location was incorrect. Mr. Poole then stated that the driver of this vehicle had been seen swerving and died of an apparent heart attack. Mr. Doyle inquired if Mr. Poole had contacted MDOT regarding this information. Mr. Poole stated that his attorney had. Mr. Duckert stated that as Mr. Poole has an attorney involved, the Road Commission has nothing further to discuss, and as Mr. Poole has spoken well beyond his allotted time, he is ending this discussion.

Mr. Paul Bowman, Almont Township Supervisor

Mr. Bowman stated that Mr. Tom Moore, Mr. Gary Groesbeck and he were attending on behalf of Almont Township regarding the paving of Howland Drive. Mr. Bowman stated that the Road Commission had bids for the project, and a private contractor proposal on this project, and the Township would like to use the private bidder as their proposal was approximately \$10,000 cheaper than the Road Commission's bid.

Mr. Pearson stated that the private bidder had also bid on the project through the Road Commission's annual paving bid and was 4th with the bid of \$73.00 per ton. Mr. Pearson stated that the specifications called for 1 ½ inches of asphalt be applied, while the proposal given directly to the Township by the contractor was for only 1 ¼ inches of asphalt. Mr. Pearson also stated that he feels the integrity of the bidding process needs to be upheld and that a contractor who loses the bid should not be allowed to come back after the fact and re-bid the project with a lower price. Mr. Pearson stated that it is against policy for Townships to contract directly with contractors for paving. Mr. Bowman stated that the policy is vague. Mr. Bowman asked what would happen if they just pave it. Mr. Pearson stated that the contractor would be denied a permit as it is a violation of policy.

Sue Quellmalz, 4164 McDowell Road, Lapeer, MI 48446

Ms. Quellmalz stated that she too is upset about losing trees. Ms. Quellmalz inquired if there was any room for compromise for Mr. Poole, such as guardrail? Mr. Pearson stated that you need at least 6 feet of clearance for guardrail, and he did not think Mr. Poole had enough room. Mr. Doyle stated that he and Mr. Gingell have worked with a number of residents regarding trees, but in some cases the trees have to go. Mr. Doyle stated that

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they will be looking at the last mile of McDowell and marking the trees next week. Mr. Poole stated if it were possible for guardrail, he would pay for it and have it installed. Mr. Doyle stated that there would need to be 6 feet of clearance for guardrail.

Melissa Butler, 4179 McDowell, Lapeer, MI 48446

Ms. Butler stated that if trees are removed from in front of homes, it creates a hazard for people in their front yards. Mr. Doyle stated that the Road Commission is responsible for 33 feet of right-of-way only. Residents can place whatever they want as a bearer beyond that point. Ms. Butler stated that she would like notice which trees are being removed, so that she could possibly have some of them moved. Mr. Doyle stated that letters went out in the beginning of May notifying property owners of this project. Further discussion ensued.

Kelly Poole, 4463 McDowell Road, Lapeer, MI 48446

Ms. Poole inquired if their trees could be grandfathered as they are so old, like utilities? Mr. Doyle stated that there are several laws regarding what utilities can and can't do in the right-of-way, whether we like them or not.

Ms. Terry Adams, 4303 McDowell Road, Lapeer, MI 48446

Ms. Adams inquired if the speed limit on McDowell could be lowered, and if more trees could be saved this way? Mr. Doyle stated that by state law, gravel roads cannot be posted for speed. Mr. Pearson stated that the condition of gravel roads can change very rapidly due to weather, which is why they cannot be posted. Mr. Pearson stated that it is up to the drivers to drive to the conditions of the road.

Gary Kelly, 4043 McDowell, Lapeer, MI 48446

Mr. Kelly inquired if the Road Commission clears everything within the 33 feet of every property. Mr. Doyle stated that they marked to clear in front of homes generally to about 29 feet.

Walt Rosebrugh, 3541 Marathon Road, Lapeer, MI 48446

Mr. Rosebrugh stated that he was told 29 feet and that some of the trees were okay and some had to go. The Road Commission took all 9 beautiful Maples and two more in a swampy area. Now his property is decimated. Mr. Gingell stated that he spoke with Mr. Rosebrugh on May 22, 2014 and told him that the trees were indeed a safety issue, and would have to be removed, and on May 28, 2014 Mr. Rosebrugh e-mailed me that he wanted the wood from the trees, but not the wood chips. Mr. Doyle explained that each property is evaluated on a case by case basis, and how far back we cut trees depends on each location.

Melissa Butler, 4179 McDowell Road, Lapeer, MI 48446

Ms. Butler stated that she has worked for EMS for a number of years and if she has learned anything it is that people are going to find a way to hurt themselves. She also stated that you can't protect people from everything.

Mr. Duckert stated that one point no one has discussed is how trees next to the road shade the road and can cause icy patches.

Mr. Gary Moore, 5864 Baldwin Road, Lapeer, MI 48446

Mr. Moore stated that this was his third time attending a Board Meeting, and that Mr. Pearson and Mr. Gingell had tried to find a way to save his big tree, but were unable to. Mr. Moore stated that the telephone pole that he requested be moved, is getting moved to the other side of the road. Mr. Moore inquired if the road closed signs could be moved to the side of the road for week-ends. Mr. Moore explained that the signs are prohibiting people from coming to his camp. Mr. Moore stated that he has always received good cooperation from the Road Commission.

COMMISSIONER REPORTS AND COMMENTS:

None

Mr. Duckert declared the meeting adjourned at 5:40 p.m.

Dale Duckert, Vice Chairman

Linette Daily, Board Secretary