

**LAPEER COUNTY ROAD COMMISSION
REGULAR BOARD MEETING
Wednesday, October 29, 2014
4:40 p.m.**

Present: Mr. Gary Howell, Chairman; 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; Mr. Destain Gingell, Staff Engineer; Mr. Erick Pearson, Managing Director

Also in attendance: Mr. Richard Brandt, Hadley Township Trustee

Mr. Gary Howell, Chairman, called the meeting to order at 4:38 p.m. in the Meeting Room of the Lapeer County Road Commission Building.

Mr. Howell stated that the Agenda would be amended to move Approval of the 2015 Fee Schedule to #3 of the Agenda.

APPROVAL OF AGENDA

102914-197

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

APPROVAL OF THE 2015 PERMIT FEE SCHEDULE

102914-198

Motion by Mr. Hemmingsen, seconded by Mr. Duckert to approve the 2015 Permit Fee Schedule as presented. Motion carried.

APPROVAL OF PRIOR BOARD MEETING MINUTES

102914-199

Motion by Mr. Duckert, seconded by Mr. Hemmingsen to approve the Regular Meeting minutes for October 15, 2014. Motion carried.

APPROVAL OF DISBURSEMENTS

10294-200

Motion by Mr. Hemmingsen, seconded by Mr. Duckert to approve disbursements dated October 30, 2014 in the amount of \$583,342.53. Motion carried.

MANAGING DIRECTOR REPORT

Mr. Pearson stated to the Board that a decision needs to be made regarding the CRA Ballot for Amendments to the Bylaws, which includes a rather substantial increase in the annual membership dues. Mr. Hemmingsen stated that the Ballot was a major topic of discussion at last week's Blue Water Highway Council Meeting. Mr. Hemmingsen stated that while John Hunt, from CRA, had attempted to justify the increase, he really had gone around in circles with his justification and had not really provided any substantial justification. Mr. Howell stated that MERS has been quite successful in their lobbying efforts with one effective member of their staff and has not had the need to hire a big PR firm who charges huge fees. Mr. Howell stated that CRA should follow suit. Discussion ensued.

APPROVAL OF THE CRA AMENDMENTS TO THE BYLAWS

102914-201

Motion by Mr. Hemmingsen, seconded by Mr. Duckert to deny the Amendments to the CRA Bylaws as presented. Motion carried.

Mr. Pearson stated that the Board has been presented with a proposed resolution Opposing the ET Rover Pipeline installation through Lapeer County. Mr. Pearson stated that Mr. Gingell took the lead on researching and drafting this resolution, modeled after the County Commission’s resolution. Mr. Pearson stated that the main focus of the Road Commission’s opposition is the vast amount of damage this project could and will cause to the roads with in the County of Lapeer. Mr. Pearson stated that the roads which the pipeline are proposed to be installed are not designed to accommodate the construction traffic which will be necessary to build this pipeline. Mr. Pearson stated that the cost to repair the roads which are damaged or destroyed will be enormous. Mr. Pearson stated that the cost of repairing our roads is the fact that there is no benefit to our County or State to having this pipeline here. Further discussion ensued

APPROVAL OF THE RESOLUTION OPPOSING THE ET ROVER PIPELINE
102914-202

Motion by Mr. Duckert, seconded by Mr. Hemmingsen to Approve the Following Resolution:

RESOLUTION
OPPOSING - ET ROVER PIPELINE

WHEREAS, ET Rover Pipeline LLC (ET Rover), a subsidiary of Energy Transfer, will be seeking authorization from FERC (Federal Energy Regulatory Commission) pursuant to Section 3 and Section 7 (c) of the Natural Gas Act (NGA) to construct, own, and operate the proposed Rover Pipeline Project under FERC Docket No. PF 14-14-000); and,

WHEREAS, Lapeer County Road Commission has expressed a concern that the proposed route of the ET Rover pipeline through Lapeer County will affect at a minimum (25) twenty-five road crossings across Lapper County; and,

WHEREAS, Lapeer County Road Commission has expressed a concern that construction equipment and vehicular traffic generated by ET Rover pipeline through Lapeer County will be devastating to the existing infrastructure of primary and local road systems; and,

WHEREAS, Lapeer County Road Commission has expressed a concern that many existing bridges and cross tubes will be exposed to above normal loading conditions by ET Rover pipeline during construction through Lapeer County and that may cause premature failure and necessitate replacement of bridges and culverts that Townships and Road Commission can’t sustain the cost to replace; and,

WHEREAS, the proposed route of the ET Rover pipeline through Lapeer County will result in significant property damage and economic loss through populated areas; and,

WHEREAS, no net long term economic benefit will result from the disruption caused by the ET Rover pipeline construction; and,

WHEREAS, the pipeline is merely a “pass through” and will not supply energy to Lapeer County residents and does not supply natural gas to Michigan citizens beyond the Michcon delivery point in Livingston County; and,

WHEREAS, the construction of the pipeline will have a significant impact on private landowners property with the pipeline needing a 50 foot permanent right of way and an additional 50 feet during the construction process according the Federal Energy Regulatory Commission; and,

WHEREAS, the construction of the pipeline will have a significant impact on County Road construction cost posed by requirements of means and methods of excavation and locating pipeline prior work with-in pipe line right-of-way; and,

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WHEREAS, the construction of the pipeline will have an increased cost to the County Road Commission for additional inspection and testing services required when crossing pipeline ; and,

WHEREAS, if an amicable agreement cannot be reached, the utilities have the ability to seek to take private property through eminent domain; and,

WHEREAS, at a minimum, the Township of Almont, the Township of Attica, the Township of Elba, the Township of Hadley, the Township of Imlay, the Township of Lapeer and other local governments have adopted or are adopting resolutions in opposition to current proposed route and placed these objections on file with the Federal Energy Regulatory Commission; and,

WHEREAS, the headwaters to the Belle River, Flint River and Clinton River watersheds fall within the proposed route of the pipeline and a rupture to the line could have devastating effects on bodies of water that millions of people rely upon; and,

WHEREAS, the communities along the route have invested heavily in protecting the natural features such as woodlands and wetlands that would be heavily disrupted by the proposed route; and,

WHEREAS, a rupture to the pipeline could cause a complete road closure for an indefinite amount of time; and,

WHEREAS, the population of the communities in Lapeer County along the proposed route have experienced rapid population growth and are no longer rural in nature; and,

WHEREAS, The Federal Energy Regulatory Commission is now hearing comment on the proposed route and it is appropriate for Lapeer County to take action to protect citizen's property rights and our natural resources.

NOW THEREFORE BE IT RESOLVED that Lapeer County Road Commissioners shall express to the Federal Energy Regulatory Commission its support to deny the ET Rover pipeline through Lapeer County.

BE IT FURTHER RESOLVED that the Federal Energy Regulatory Commission be informed of the sensitive natural resources in the current proposed route of the ET Rover pipeline, the number of citizens and waterways that would be affected by a potential environmental contamination in the Belle River, Flint River and Clinton River watersheds, number of road crossings, and data regarding the property values that would be affected.

BE IT FURTHER RESOLVED that the Lapeer County Road Commissioners Board Secretary is requested to forward copies of this resolution to the Federal Energy Regulatory Commission and sent to U.S. Senator Debbie Stabenow, U.S. Senator Carl Levin, U.S. Representative Candice S. Miller, Governor Rick Snyder, Senator Phil Pavlov, Representative Kevin Daley, Lapeer County and Lapeer County Townships along the proposed pipeline route.

Roll Call: Mr. Duckert - aye, Mr. Howell - aye, Mr. Hemmingsen - aye

Motion carried.

Mr. Pearson reported to the Board that the North Branch Township gravel haul would continue through the end of next week.

Mr. Pearson reported that the contractor would have the sand screening equipment delivered and set up by Monday. Mr. Pearson reported that our crew would be running the screening operation.

Mr. Pearson reported that salters are being installed at all three location

ENGINEERING REPORT

Mr. Doyle asked the Board to approve the following TCO:

102914-203

Motion by Mr. Duckert, seconded by Mr. Hemmingsen to approve TCO#2(11)2014- In accordance with the Engineer's recommendation, that the Imlay City Road Bridge over the Belle River between M-53 and Pennell Road in Imlay Township be posted as OPEN TO LEGAL TRAFFIC. This TCO supersedes TCO #1(11)2014. Motion carried.

Mr. Doyle reported that Baldwin Road is finally open, with only a few punch list items to address.

Mr. Doyle reported that the southern portion of the Lake Pleasant Road project is complete; however the other project to the north is not. Mr. Doyle stated that this contractor is now also on liquid damages as they are past their complete date.

Mr. Doyle reported that he has submitted plans for next year's projects, and is hoping for a January or February letting. Mr. Doyle stated that all tree work will need to be complete by April, due to the new Bat Protection laws going into effect.

Mr. Gingell gave an update on the progress of the Brocker Road bridge/culvert replacement. Mr. Gingell reported that the footings are in place, and next they will be setting the culvert.

Mr. Doyle reported that he is in an ongoing discussion with the representatives for the KWA water main. Discussion ensued.

PUBLIC TIME

Mr. Richard Brandt, Hadley Township Trustee

Mr. Brandt stated that he wanted to thank The Road Commission for the Resolution against the placement of the ET Rover pipeline in Lapeer County. Discussion ensued regarding the negative impact to the citizens of Lapeer County this pipeline installation will have.

COMMISSIONER REPORTS AND COMMENTS:

Nothing further

Mr. Howell declared the meeting adjourned at 5:22 p.m.

Gary Howell, Chairman

Linette Daily, Board Secretary