

**LAPEER COUNTY ROAD COMMISSION  
REGULAR BOARD MEETING  
Wednesday, January 3, 2018  
4:30 p.m.**

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Present: Mr. James Novak, Jr., Chairman; Mr. Dale Duckert, Vice Chairman; Mr. Les Nichols, Member  
In Attendance: Mrs. Linette Weston, Secretary to the Board; Mr. Destain Gingell, County Highway Engineer; Mr. Erick Pearson, Managing Director

Mr. James Novak, Jr., 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**

**010318-001**

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

**APPROVAL OF PRIOR BOARD MEETING MINUTES**

**010318-002**

Motion by Mr. Nichols, seconded by Mr. Duckert to approve the Regular Meeting minutes for December 20, 2017. Motion carried.

**APPROVAL OF DISBURSEMENTS**

**010318-003**

Motion by Mr. Duckert, seconded by Mr. Nichols to approve disbursements dated December 22, 2017 and January 3, 2018 in the amount of \$967,291.85. Motion carried.

**Managing Director Report**

Mr. Pearson explained to the board that he would like the Board to approve a resolution which opposes Michigan House Bill 5096-5098. Mr. Pearson stated that the bills are in reference to the cable, fiber optics, extended poles/antennas, towers and power units on public properties. Mr. Pearson went on to state that the Road Commission would be forced into spending road funds to inspect and monitor the installation of the structures as the bills would limit the fees and bonds allowed.

**010318-004**

Motion by Mr. Duckert, seconded by Mr. Nichols to approve the following resolution:

WHEREAS, HB 5096-5098 seek to amend various local government statutes and the County Road Law in a way that would significantly reduce the ability of local governments, county road agencies, and county drain commissions to charge adequate fees, provide safe and reasonable criteria to access public jurisdictions, and collect adequate bonding should these properties be damaged and need restoration from telecommunication providers and their contractors that wish to work, install and maintain cable, fiber optics, extended poles/antennas, towers, and power units on public properties; and

WHEREAS, the effect of these bills would force local governments, county road agencies, public works departments, and drain commissions to subsidize telecommunications with local and Michigan Transportation funds; and

WHEREAS, as legal guardians of the public property and road right-of-way, local governments, county road agencies, and drain commissions must ensure work in their jurisdictions is performed safely, does not damage the infrastructure, and meets engineering standards (both above and below ground), along with federal and state requirements; and

WHEREAS, local governments and county road agencies do not profit by issuing permits, but simply recover the costs of issuing permits, making site inspections, and performing related tasks; and

WHEREAS, HB 5096-5098 limit fees to \$300 per permit or \$1,000 on multiple projects; and

WHEREAS, such a “one-size-fits-all” fee does not account for the type of work planned in a rural or urban setting, nor does it consider the risks a project may pose, and in general these bills supplant engineering-based management with a “cookie-cutter” approach that puts public resources and workers at risk; and

WHEREAS, HB 5096-5098 limit security/bonding to \$20,000 regardless of the potential risk and damage beyond that amount or consideration of the location of the project or other factors, and requires that the bonds be returned within 60 days after a project is completed, even if damage is being contested; and

WHEREAS, these bills do not take into consideration the statewide ramifications and precedent that would be created; and

WHEREAS, that while the telecommunications industry may be able to point to isolated instances of local obstacles, it is certainly not a statewide problem;

NOW, THEREFORE, BE IT RESOLVED, that the Lapeer County Board of Road Commissioners opposes HB 5096-5098 and strongly urges State Representative Howell and State Senator Green to oppose HB 5096-5098 as well.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Snyder; Representative Howell; Senator Green; the County Road Association of Michigan, and the other 82 counties. Roll Call Vote: Commissioner Dale Duckert, aye; Commissioner James Novak, Jr, aye; Commissioner Les Nichols, aye. Three ayes. Motion carried.

Mr. Pearson explained that the Road Commission spent in excess of \$100,000 over the Christmas Holidays and have spent \$400,000 on winter maintenance so far. Mr. Pearson gave kudos to the crews as they worked Christmas Eve and Christmas Day. Mr. Pearson stated that they did a good job and stayed in the trucks until the job was complete. Mr. Pearson went onto state that we also got a compliment from our MDOT TSC Manager. Mr. Pearson explained to the Board that there are always difficult decisions to be made during the winter season. The blowing snow always requires patience as to when to begin to salt and the foremen are doing a great job. Mr. Pearson also wanted to thank the office staff as well for their continued support as the paperwork and phone calls seem to multiply during this season and they get it all processed very quickly.

**Engineering Report**  
**010318-005**

Motion by Mr. Duckert, seconded by Mr. Nichols to approve the TCO #1(08)2018 in accordance with the Engineer’s recommendation, that Sunfish Road in Elba Township be posted as 18 Tons GVW Limit. Motion carried.

**Commissioner Comments**

Mr. Novak wanted to commend the crews for their service as he knows it is not fun during the holidays.

Mr. Novak declared the meeting adjourned at 4:55 p.m.

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James Novak, Jr., Chairman

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Linette Weston, Board Secretary