

**LAPEER COUNTY ROAD COMMISSION  
REGULAR BOARD MEETING  
Wednesday, February 27, 2019  
4:30 p.m.**

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

Chairman Novak 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**

**022719-036**

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

**Approval of Prior Board Meeting Minutes**

**022719-037**

Motion by Commissioner Duckert seconded by Commissioner Nichols to approve the Regular Meeting minutes for February 13, 2019. Motion carried.

**Approval of Disbursements**

**022719-038**

Motion by Commissioner Nichols, seconded by Commissioner Duckert to approve disbursements dated February 28, 2019 in the amount of \$339,431.81. Motion carried.

**Approval of Projects**

**022719-039**

Motion by Commissioner Nichols, seconded by Commissioner Duckert to approve the following four projects:  
Lapeer Township

504-012-194102 Brush Axe and Tree Removal Program (\$6,200 2018 Rollover)

Estimated Cost: \$16,200/ \$8,100.00 Township/\$8,100.00 LCRC

504-012-194103 Ditching Program

Estimated Cost: \$10,000/ \$5,000.00 Township/\$5,000.00 LCRC

Oregon Township

504-017-194602 Brush Axe and Tree Removal Program

Estimated Cost: \$10,000/ \$5,000.00 Township/\$5,000.00 LCRC

504-017-194603 Ditching Program

Estimated Cost: \$10,000/ \$5,000.00 Township/\$5,000.00 LCRC

Motion carried.

**Managing Director Report**

**022719-040**

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

**Resolution to Defend, Indemnify and Hold Harmless the County Highway Engineer for Professional Liability**

WHEREAS, pursuant to MCL 224.1, *et seq.*, the Board of County Road Commissioners of the County of Lapeer employs a county highway engineer.

WHEREAS, pursuant to MCL 224.10(2) and MCL 224.19(3), the county highway engineer fulfills and performs statutory obligations at the pleasure of the Board, which may include: preparation and review of surveys; preparation and review of plans and specifications for roads, bridges, and culverts; supervision over construction and implementation of said plans and specifications; and other engineering duties as appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the Board shall defend, indemnify, and hold harmless, to the fullest extent permitted by law, the county highway engineer for and against any claim or liability arising from his or her acts or omissions as a professional engineer, and occurring within the course of his or her employment, and within the scope of his or her authority, while acting on behalf of the Board.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this Resolution shall not require the Board to indemnify or hold harmless the county highway engineer for and against any act or omission constituting gross negligence or an intentional tort.

Roll call: Duckert, aye; Novak, aye; Nichols, aye. Motion carried.

Mr. Pearson informed the Board that the meeting with the Special Master was set for Thursday at 10:00 a.m. in Bay City.

**Engineering Report**

Mr. Gingell stated that the new Engineering Tech was to be on Monday, March 11, 2019.

**022719-041**

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

**RESOLUTION TO ADOPT A LOCAL PAVEMENT WARRANTY PROGRAM**

WHEREAS, the Michigan Legislature (MCL 247.662, 247.663) requires each county road agency to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by all 83 county road agencies in the format approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs;

NOW THEREFORE BE IT RESOLVED, the Lapeer County Road Commission hereby adopts the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.662 and 247.663;

BE IT FURTHER RESOLVED, this resolution is made a part of the minutes of Lapeer County Road Commission meeting on February 27, 2019.

Roll call: Duckert, aye; Novak, aye; Nichols, aye. Motion carried.

**022719-042**

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

**RESOLUTION TO IMPLEMENT A LOCAL PAVEMENT WARRANTY PROGRAM**

WHEREAS, The Michigan Legislature created a requirement (MCL 247.662, 247.663) as part of the Transportation Funding Package of 2015 that requires each county road agency to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Lapeer County Road Commission adopted the Michigan Local Agency Pavement Warranty Program on February 27, 2019;

WHEREAS, the Lapeer County Road Commission agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds;

WHEREAS, the Local Agency Pavement Warranty Program law requires each county road agency to report annually on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds, whether or not a warranty was utilized in the project;

WHEREAS, the Lapeer County Road Commission agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which Lapeer County Road Commission's adopted Implementation Policy defines the Lapeer County Road Commission's intent of its pavement warranty program;

NOW THEREFORE BE IT RESOLVED, the Lapeer County Road Commission hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

Roll call: Duckert, aye; Novak, aye; Nichols, aye. Motion carried.

Mr. Gingell explained that he and Mr. Schons met with Lapeer Township to answer questions regarding the subdivision road improvements.

**022719-043**

Motion by Commissioner Duckert, seconded by Commissioner Nichols to approve motion of support for Lapeer Township to enact Act 188 of 1954, known as the Township Public Improvements Act found at MCL 41.72 *et seq.* Motion carried.

Mr. Gingell reported that the weight restrictions will probably be put into place next week.

Mr. Gingell stated that Kappen Tree Service had begun the tree removal projects.

Mr. Gingell went on to state that the Foremen have been very helpful working with him on his projects.

Mr. Novak declared the meeting adjourned at 5:10 p.m.

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James Novak, Chairman

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Linette Weston, Board Secretary