

**LAPEER COUNTY ROAD COMMISSION  
REGULAR BOARD MEETING  
Wednesday, October 7, 2020  
4:30 p.m.**

---

Present. Mr. James Novak, Jr. Chairman; Mr. Dale Duckert, Vice, Chairman; Mr. Les Nichols, Member; Mrs. Linette Weston, Board Secretary; Mr. Erick Pearson, Managing Director; Mr. Zeb Schons, Superintendent of Operations; Mr. Destain Gingell; County Highway Engineer; Mr. Rick Seaman; Mr. Richard Brandt

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**

**100720-143**

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

**Approval of Prior Board Meeting Minutes**

**100720-144**

Motion by Commissioner Nichols seconded by Commissioner Duckert to approve the Public Hearing and the Regular Meeting minutes for September 23, 2020. Motion carried.

**Approval of Disbursements**

**100720-145**

Motion by Commissioner Duckert, seconded by Commissioner Nichols to approve the Accounts Payable and Payroll dated October 8, 2020 in the amount of \$2,302,833.48. Motion carried.

**Managing Director Report**

**100720-146**

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

WHEREAS, Edward Montgomery started with the Road Commission in January of 1997 as a mechanic, 2000 as a Heavy Equipment Operator at the Imlay Garage, 2011 as a Heavy Equipment Operator at the Lapeer Garage, 2018 as a Working Foreman and in July of 2020 a Truck Operator and has remained there for the remainder of his career; and,

WHEREAS, Edward Montgomery is an outstanding and dedicated employee of the Lapeer County Road Commission; and,

WHEREAS, Edward Montgomery has used his skills and knowledge as a Grader Operator, Operator of Heavy Equipment, Truck Operator and Working Foreman to maintain the roads in Lapeer County for the past twenty-three plus years; and,

WHEREAS, as a result of Edward Montgomery's diligence and strong work ethic, he has contributed greatly to the excellent condition of the roads, in all Districts, ensuring the wellbeing of all who use them; and,

WHEREAS, Edward Montgomery retired September 30, 2020 after more than twenty-three years of faithful service to the community; and,

WHEREAS, Edward Montgomery's devotion and hard work will be missed by one and all.

NOW THEREFORE BE IT RESOLVED, that the Board of Lapeer County Road Commissioners, does hereby extend our sincere thanks and heartfelt gratitude.

BE IT FURTHER RESOLVED, that this resolution be entered into the records of the Board of Lapeer County Road Commissioners, Lapeer County, State of Michigan on this seventh day of October, 2020, there to remain forever.

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

Mr. Pearson stated that he hired Mr. Montgomery as a mechanic when he was the Shop Foreman/Superintendent/Parts Foreman, so he has had the opportunity to work with him for a long time.

Mr. Pearson reported to the Board that there are currently two bills in Lansing in the House and the Senate that deal with making the option to hold meetings electronically permanent.

Mr. Pearson also gave a brief overview of the Supreme Court ruling regarding the Executive Orders. Mr. Pearson explained that the Road Commission has been advised by our liability insurance provider to continue our safety measures.

#### Superintendent Report

Mr. Schons reported that the maintenance crews were performing ditching, brush axing and culvert replacements. He also stated that they were performing crack sealing on south M-24 for MDOT.

Mr. Schons stated that the equipment was also being prepared for winter operations.

#### Engineering Report

Mr. Gingell stated that he would also like to extend a congratulations to Mr. Montgomery, as it has been a pleasure to work with him as an operator and working foreman. Mr. Gingell went on to state that Mr. Montgomery has taught him a lot with his knowledge of the operations.

#### Public Comment

Mr. Rick Seaman, 1337 Lakeshore Road

Mr. Seaman stated that in 2015 he built a two car garage at his residence which sat 6-8 inches higher than the road, and then two years ago the Road Commission added gravel to the road and the water now runs into his garage. Mr. Seaman stated that this runoff is beginning to rust out his garage door, undermine the cement and ruin stuff in his garage.

Mr. Seaman stated that he met with Mr. Gingell and Mr. Haack regarding the issue and it was decided that a curb would help alleviate the water issue. Mr. Seaman stated that he paid \$1,500 to have the curb installed, but it did not solve the problem, but created a large washout in front of the curb.

Mr. Gingell stated that he gave Mr. Seaman a free permit to work in the right of way to construct the curb, but that the curb was built with a 4-5% grade, which is why the water is still running towards the driveway.

Mr. Gingell also stated that he had a grader operator pull gravel up from the bottom of the hill to fill in the washout. Mr. Gingell explained that Mr. Seaman's property is on a hill and the water is going to flow down that hill.

Mr. Seaman expressed his concern that for three years there was no water problem, not until the new gravel was placed on the road. Mr. Seaman stated that the new grade on the road runs directly towards his driveway.

Mr. Seaman stated that he doesn't want to take this to court, but he will.

Mr. Gingell stated that he spoke with Mr. Hayes, the Deerfield Township Supervisor and he did not want the gravel removed from the roadway. Mr. Seaman asked Mr. Gingell if he showed him the video he sent to him of the waterflow in the rain. Mr. Gingell stated that he did not.

Mr. Pearson stated that he reached out to Mr. Haack, the foreman, and asked about the history of the waterflow. Mr. Haack stated that the water used to run down the middle of the road.

Mr. Novak and Mr. Nichols stated that they reviewed the driveway and can see that the slab doesn't have a proper fall to slope away from the garage. Mr. Seaman stated that two years ago the slab was above the roadway so it wouldn't run into the garage.

Mr. Schons stated that the gravel was placed on the roadway properly and the grade is set well. Mr. Schons stated that there is a seawall on the opposite side of the road, so the water can't run there. Mr. Seaman stated that the seawall is illegal.

Mr. Pearson stated that the Road Commission will have a surveyor perform a topo of the area in order to understand the area better.

Mr. Seaman stated that he was willing to put together an agreement right now to have the curb removed and replaced as the Road Commission recommends as long as there is a guarantee that the water will be gone.

Mr. Seaman asked what the timetable will be for the survey. Mr. Pearson stated that they will be called on Thursday. Mr. Schons asked Mr. Seaman if he had gotten a driveway permit? Mr. Seaman stated that he had gotten a permit to construct the garage, but not for the driveway approach.

Mr. Pearson stated that he will ask the surveyor to expedite the survey.

Mr. Gingell explained that after the topo is completed then we can talk about engineering.

### **Commissioner Comments**

Mr. Nichols stated that the asphalt at Haines and Grosbeck is breaking up. Mr. Schons stated that he has given five or six estimates to the Township for their consideration.

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

---

James Novak Jr., Chairman

---

Linette Weston, Board Secretary