

**MINUTES OF THE BOARD OF COUNTY ROAD COMMISSIONERS
MONROE, MICHIGAN
July 23, 2018**

1. At a Regular Meeting of the Board of County Road Commissioners at their offices located at 840 S. Telegraph Road, Monroe, Michigan on Monday, July 23, 2018 the meeting was called to order by Chairman Iacoangeli at 5:32 p.m.

2. Roll Call by Deputy Clerk as follows:

PRESENT

Stephen J. Pace
Charles A. Londo
Greg W. Stewart
Paul Iacoangeli

EXCUSED

Dan Minton

A quorum being present, the Board proceeded to transact business.

3. Commissioner Iacoangeli led the Pledge of Allegiance.

4. Commissioner Iacoangeli led the Opening Prayer.

5. Commissioner Pace moved, seconded by Commissioner Stewart to approve the July 23, 2018 regular meeting agenda as presented. Vote: Ayes: 4 Nays: 0 Excused: 1 Motion carried.

6. Public Hearing – Scofield Road Abandonment

Chairman Iacoangeli opened the public hearing at 5:35 p.m.

Wilfred St. Amour, 10490 Bitz Road, Maybee, stated he is completely against the theft of this road by Stoneco. He has lived on Bitz Road for 44 years. He explained he sat on the Mineral Mining Board for Exeter Township and the quarry promised to put all the conveyors under the road and they now are going against their word. He felt there is no good reason to close the road as the road is in continuous use and it provides a major access to other major, primary roads.

Taiya Himebach, 10900 Bitz Road, Maybee, explained she drives Scofield Road 4-5 times a day, as it is the best choice to take from where she lives as far as road quality. She felt this was a political decision where the company was using the offer of money to fix township roads. She didn't think anyone at the Road Commission could solve that political issue on how to fix their roads. She also felt the public comments wouldn't stop Stoneco from taking this road. She explained closing Scofield Road would create a huge inconvenience to the area residents. She mentioned that the lack of snow plowing on local roads would create havoc on the residents in the winter months. Currently, the residents rely on farmers with tractors to assist in clearing the local roads quicker than the Road Commission can get to them. She indicated should this road be abandoned, StoneCo should be required to plow the local roads that are being affected by the inconvenience of the closure of Scofield so residents are able to get out. She also voiced a concern for the fire department that will need to find an alternate route and the side roads are in very bad condition. She thanked the Board for listening.

William Stewart, Bitz Road resident (between Geirman and Scofield), indicated he is always hesitant when he hears anything about promises being made by Stoneco. He also remembers being told that Stoneco guaranteed to put the conveyors put under the road. He moved to a quiet, peaceful area and he did not want to now hear the conveyors running.

Enrique Perez, 10596 Bitz Road, Maybee, said it makes no sense to abandon and close this road. It is used daily and questioned if traffic studies had been conducted on this road. He felt there was no reason conveyors couldn't be put under the road as promised. He felt Stoneco was buying the board's votes with promised money to help with other roads. He agreed that Scofield Road gets plowed and the local side roads do not so it would create problems in the winter. He felt this wasn't being done in the best interest of the people, but because of greed by a company. He said this closure only benefits the company, and not the community.

Don Sweeney, 10377 Doty Road, Monroe, explained he owned half mile of frontage on Scofield Road so this affects him directly. The quarry owns about 800 feet so he feels he should have some input. He indicated he is also the fire chief for Exeter Township and the fire department does use Scofield Road as an emergency route to get to the west side of the township as time is of the essence during an emergency. He is not only concerned about his property, but about emergency situations for the fire department. He stated he would like to have a study done to see how many vehicles actually use this road. He added that to abandon this road will affect the farm that his family has owned for 140 years.

Commissioner Londo voiced a concern as to why no traffic count or study had been conducted on this road. He also saw a great concern for inconvenience that this would create for the residents traveling through the township, as well as the fire department and emergency vehicles, like ambulance services, etc. He would like the staff to conduct a more in-depth study before he could vote on a decision.

Commissioner Stewart agreed, that he would not want to make any type of decision without more detailed information. He also asked if there was any EPA reason Stoneco couldn't go overhead, like what was done on Sterns.

Mr. St. Amour stated the fire department is also their First Responders and they use Scofield Road as minutes count during an emergency. It wouldn't make sense to drive miles out of the way on gravel roads, when you could take a ½ mile of paved road. He also stated that the Road Commission uses Scofield Road to get to other local roads to service them in the area.

Ms. Himbach asked that before a final decision was made, that the Board members go out and traverse the roads in the area to see the residents are limited to options because most of the roads are not in good condition. Scofield is the best option based on road conditions.

Commissioner Londo stated the only people addressing the Board were those opposing the abandonment, he would like to hear from the Township.

Bob Queen, Exeter Township Supervisor, explained that the Township Board agreed they would not stand in the way of the abandonment. He also indicated he was the one that delivered letters to all the neighbors notifying them of the meetings and abandonment. He said abandoning the road would definitely affect the township. He added that Exeter Township has an agreement with the London/Maybee/Raisinville (LMR) Fire Department to provide first responders assistance for the west side of the township.

Mr. Queen stated the Township Board was presented an agreement. He outlined that Stoneco has offered to contribute \$1.4 million to put on township roads should the abandonment be approved. This helps roads in the township in the short term. He cannot address long terms affects.

Mr. Queen stated the township local roads are catastrophic and this money will help to improve these roads short term. He added that the Exeter Township Board left the decision to abandon and close this road was left up to the Road Commission. The Township Board is staying neutral because the township is in a bind when it comes to money for roads and there is nowhere else to get help. The township does not have the means to fix roads or even fight Stoneco should it go to a legal battle.

Mr. Queen explained he lives near all these people (in attendance) and they are wonderful people and he understands their concerns. He doesn't have a good answer for them. Should the MCRC decide to conduct a survey, he would hope the agreement with the LMR Fire Department would be taken into consideration when reviewing emergency access. Again, the Township Board will not fight the abandonment request.

Enrique Perez stated the paper the public received during a public meeting was not on letterhead and contained no signature, and the citizens are concerned about an actual executed document. Even if the Township Board agreed not to fight, there isn't anything in writing with signatures that outlines the formal agreement. Mr. Perez's concern was the money coming from Stoneco would be put on other roads, and not on the roads most affected by the abandonment. He also stated that the LMR Fire Department may be somewhat closer but they need to drive slower because of all the corners, turns and curves they encounter when responding to a call so it actually takes longer. He added that mileage doesn't always equal faster especially when responding to an emergency.

Tom Boggs, Exeter Township Trustee, stated he has been involved with Supervisor Bob Queen and Stoneco in the planning of the abandonment and execution of documents. He wanted the citizens to know that the Exeter Township Board would address the interest of those directly affected by this closure into first consideration. He stated those roads closest would get first attention. They discussed chip sealing some of the roads for emergency vehicle to use. There are several roads that need work in their township. He indicated he lives on Doty Road and all these people are his neighbors as well, but there is nowhere the township can get that kind of money to put on their local roads.

Mr. Boggs asked once the MCRC Board abandons the road, the Township needed to know the next step. If the road comes back to the township, can they sell the road to the quarry, or sell only half of it, and who makes those decisions. It is a very important decision because the township doesn't have the money to make any improvements to Geirman, Bitz, Doty and Raisin Street – all these roads need work and the township has no money.

Mr. Tom Sweeney indicated there is an agreement with the LMR fire department but the Exeter fire department serves them more than they serve Exeter. The LMR has a shortage of volunteers. It would take LMR longer whereas it is a straight shot down Scofield Road for Exeter Fire Department when responding to calls. He acknowledged the need to get work done on the roads, but he also stated it is hard to serve people in need when you cannot get to them in a timely manner. He is willing to set down and discuss options at any time.

Mr. Sweeney added that this abandonment affects him the most due to the half mile of frontage will be lost to him. He explained that should any of his children want to build in the future, this will end that dream.

Mr. William Stewart asked why there was a need to close the road because the company can go under the road to mine their product.

Mr. Queen indicated there is a signed and executed agreement on file at the township office. The agreement outlines the township will receive \$1 million for roads and services, plus approximately \$400,000 for stone to be placed on township roads, if the township does not protest the abandonment. He added that the company could go through the court system and obtain the property through eminent domain but that takes time and this way the township benefits from the partnership. He understands all the citizen's concerns and the township has done its best to be transparent with them.

Mr. Queen stated the township decided to stay neutral, and to let the Road Commission determine whether or not the road should be abandoned.

Commissioner Pace asked if Exeter Township expects any additional monies over and beyond the \$1.4 million in the agreement. Mr. Queen stated the township only owns the road, not the property on either side because it was annexed, so the township has no benefit beyond the agreement.

Mr. Perez asked if the Road Commission does not approve the abandonment, does the township still receive the \$1.4 million since it did not protest. Mr. Queen indicated he doubted that would happen, as he believes the money is contingent upon road being abandoned.

Mr. Sweeney understood that the quarry was offering \$1.4 million, but they are also going to have to spend upwards of \$800,000 to have the Detroit Edison utility poles removed from Mr. Sweeney's side of the road. He added that the quarry used to be good neighbors and worked with the farm. At one time there was a good working relationship between Stoneco and the township, but not now.

Mr. St. Amor added there is buried phone, gas and cable lines running alongside this road as well. The company has already reneged on the underground conveyor that they said would be installed under the road and now they want to abandon the road to be able to dig. He would like to see reasons, other than greed, for changing the plan.

Commissioner Iacoangeli indicated the road closure gives him pause from a public safety position. For him, he can't turn a blind eye to closing a road that will affect first responders. He added he understood the Township cannot oppose this, but he would have preferred the Township didn't stay neutral and supported the abandonment. The Road Commission likes to work with our partners in determining the outcome on these types of requests. He felt it was unfair for the Township to put the Road Commission in the middle of this decision. The money promised the township if the road is abandoned means a great deal to Exeter since they do not have any other way to get this type of money for their roads, but this type of decision should benefit the entire community. Stoneco has a right to request the abandonment but they should be willing to show how the community as a whole will benefit from this action. At this point, all the MCRC Board has heard is the negative comments and lack of support from the community. He would have liked to hear how the community as whole would benefit from this closure.

Mr. Tom Boggs, Exeter Township Trustee, stated the township board voted unanimously to remain neutral and allow the Road Commission board to make the decision.

Mr. Pierce explained that when a request to abandon a road is received, the MCRC reviews the information provided and determines whether the Road Commission chooses to release their interest in the road. If the MCRC relinquishes their interest in the road, the Township then has the first right to the property if/when the Road Commission relinquishes their interest in the road, before Stoneco.

If the township shows no interest, Stoneco must take the issue to court to change the ownership of the property. He, too, would have liked to have seen more community support for the abandonment. Mr. Pierce acknowledged there were a lot of utilities under the road, including fiber optic cables.

Mr. Frank Westenkirchner added that when the road is abandon, the utilities easements in the right-of-way are maintained as stated in the abandonment resolution. He stated the township has first right once the Road Commission deems they have no interest in the road.

Mr. Queen stated the Township has agreed not to fight the abandonment because the money would be helpful in improving many of their local roads. He felt most of the board gave their indirect support for the abandonment by agreeing not to fight it, even if it might not be best for the immediate neighborhood, it would be good for the township as a whole.

Commissioner Stewart felt the process for this request appears to be somewhat backwards. The Road Commission reviews and makes decisions on what is best for the entire county. If the Road Commission approves the road abandonment and releases their interest, it then reverts to the Township. However, the Township is expecting the Road Commission to make the decision without providing Township support. When it comes down to it, the final decision still belongs to the Township.

Commissioner Stewart indicated he drove the roads in question and he understands that \$1.4 million could help these township roads. Exeter Township has an overall responsibility to spend this money in a reasonable fashion to benefit all of their residents. He reminded those in attendance that the responsibility does not belong to the Road Commission. The MCRC is charged with doing what is best for the county as a whole.

Commissioner Pace asked if the decision needed to be made in a specific timeline. Mr. Pierce responded no.

Commissioner Pace felt the township and Stoneco should be able to provide more specific details on how the \$1.4 million would be spent to ease the citizen concerns. Without some type of guarantee that the local roads will receive at least 3" of stone, he probably would not be in favor of the abandonment.

Mr. Queen stated he could not guarantee that because the \$1.4 million was not enough money to support that type of application. As he stated when he ran for office, he would like to see all the roads get fixed, but money and resources for the township are extremely limited.

Commissioner Pace asked if the abandonment would land lock any property.

Mr. Sweeney indicated it affects his property and he would need to install different driveways for this trucks.

Jeff Osment, Attorney representing Stoneco, clarified the cooperation agreement. A cooperation agreement was presented to the Exeter Township board on March 22, 2018. The agreement guarantees Stoneco will supply \$1.2 million in material and cash for road improvements. Stoneco will also supply stone and placement as requested by Exeter Township up to \$200,000 for roads. He added the township board was not wishy washy, there was unanimous support for this abandonment.

Commissioner Londo asked who drafted the Resolution and had some concerns about the wording. Mr. Costello indicated the Resolution was prepared by Traffic Safety Engineer Janeen Abar, and the language is in compliance with the law and statutes.

Mr. Dan Boggs, Geirman Road resident, indicated it would be silly for him not to support the abandonment since his road will see improvements. He understood the concerns of Mr. Sweeney. He would like to see some of the gravel roads receive chip seal treatments with this money and improve the routes for emergency vehicles. He felt it would be silly to object when a local company wants to expand their business in the township. He stated he was in full support of the road being closed.

Commissioner Londo asked if the township would receive any economic benefit from this abandonment.

Mr. Boggs indicated Stoneco was annexed into the Village of Maybee so the township would not receive anything to his knowledge, but with expansion usually comes more jobs which would directly affect the community. The company could employ more local people that live in the township. He would be foolish not to be for improved roads for their community, even with the anticipated increase in traffic.

Mr. Sweeney stated the expansion of the quarry is good for the community, however, Stoneco could continue to mine and dig on the remaining 20-30 acres on the east side Doty Road where they have their plant and conveyors, and not abandon Scofield Road.

Commissioner Iacoangeli asked the staff to conduct traffic counts on this section of road, and adjourned the hearing to September 24, 2018.

With no additional comments, Commissioner Iacoangeli closed the Public Hearing on the 2018 Public Hearing at 7:50 p.m.

7. Public Comment –

Sharlene Dickerson, Milwaukee Road, thanked the Board for addressing the concerns on the Milwaukee and County Line Road intersection. She appreciated the work that was done, but with all the traffic, it doesn't last long and it is starting to show signs of deterioration again. She urged the Board to not let the intersection get bad like before. She also wanted to say thank you for finally mowing to improve the site distance concerns.

Ms. Dickerson added Milwaukee Road was holding up pretty well, but she hoped the Road Commission still had Milwaukee Road on the critical road list for future improvements. She said the truck traffic, gravel haulers, farmers and Nexus pipeline installers are taking a huge toll on this road.

Bob Queen, Exeter Township Supervisor, indicated he used his equipment to mow the township roads and he blew a drive shaft due to the high berms. He would like the Road Commission to perform some berm removal so he can mow the ditches.

8. The following items were listed on the Consent Agenda: *(with immediate effect)*

Commissioner Pace asked to have item #5 pulled for further discussion.

- 1) Approval of Minutes- July 9, 2018 Regular Meeting Minutes

- 2) Approval of Journal Entry
- | | |
|---|----------------|
| No. 410 Payroll Checks #63973-63991 & Advice #23971-34074 | \$ 293,242.50 |
| 2 nd qtr 2018 Cafeteria Checks #63992-64004 | \$ 12,595.05 |
| No. 411 Vendor Checks #72471-72509 | \$ 716,188.68 |
| | |
| No. 425 Vendor Checks #72510-72555 | \$1,408,915.42 |
| No. 449 Payroll Checks #64006-64024 & Advice #24075-24177 | \$ 278,372.99 |
| Bank Service Charge – June 2018 | \$ 96.40 |
| No 460 Vendor Checks #72556-72634 | \$ 639,536.65 |
- 3) Township Contracts – N/A
- 4) Award the contract for the Phragmite and Brush Control Chemical Treatment to low bidder, G&T Services, Inc., in the amount of \$49,895.00; and authorize the Managing Director to sign all documents on behalf of the Board.
- 5) Pulled for further discussion.
- 6) Approve the contract modification (No.1) for the 2018 Full Depth Reclamation Program contract (S. Stony Creek) in the amount of \$533,340.80; and authorize the Managing Director to sign all documents on behalf of the Board.
- 7) Approve the contract modification (No.2) for the 2018 HMA Paving Program (Beck Road) in the amount of \$222,895.00; and authorize the Managing Director to sign all documents on behalf of the Board.
- 8) Award the contract for full construction engineering services for the Federal Aid Safety Project on Luna Pier Road and Oakville Waltz Road to low bidder, The Spicer Group, Inc., in the amount of \$17,000.00; and authorize the Managing Director to sign all documents on behalf of the Board.
- 9) Award the contract for the Bedford Township Subdivisions Overband Crack Fill contract to low bidder, Wolverine Sealcoating, LLC, in the amount of \$14,121.40, and authorize the Managing Director to sign all documents on behalf of the Board.

Commissioner Pace moved, seconded by Commissioner Stewart to approve the July 23, 2018 Consent Agenda as presented except for Item #5 that was pulled for further discussion. Vote: Ayes: 4 Nays: 0 Excused: 1 Motion carried.

5) Award the contract for the South Stony Creek Road HMA Paving contract to the low bidder Gerken Paving, Inc. in the amount of \$1,102,690.00 and authorize the Managing Director to sign all documents on behalf of the Board.

Commissioner Pace asked if this item was in conjunction with the \$3.3 million from the State for S. Stony Creek Road improvements. Mr. Pierce indicated yes,

Mr. Leach explained that 2.2 miles in Frenchtown was already under contract for 2018. The remaining 4.3 miles from Ash/Frenchtown line to Sumpter will be accomplished this year with the additional \$3.3 million from the state. The work for S. Stony Creek Road fell outside the original paving contract, so it had to be bid out.

Commissioner Pace moved, seconded by Commissioner Stewart to award the contract for the South Stony Creek Road HMA Paving contract to the low bidder Gerken Paving, Inc. in the amount of \$1,102,690.00 and authorize the Managing Director to sign all documents on behalf of the Board. Vote: Ayes: 4 Nays: 0 Excused: 1 Motion carried.

9. Unfinished Business – None.
10. New Business – None.

11. Report of Officers –

Randy Pierce (Managing Director/Superintendent of Maintenance) – Mr. Pierce was excited to introduce the new Superintendent of Maintenance, David Leach. He stated Mr. Leach was pleased to have him as part of the team, and he was doing a good job.

Mr. Pierce gave an update on the NE Salt Facility – the ground work has been complete and the gravel is being placed; and explained he is working with listing realtor on the option to purchase for the sale of the Ida West Road property.

David M. Leach (Director of Operations) – Mr. Leach updated the Board on the 2018 projects. The chip seals are about 85% complete and the county wide HMA paving is about 45% complete. The stabilization contractor will be here next week to begin that work. Project are all going strong.

Matthew Snell (County Highway Engineer) – Mr. Snell explained the staff has been working on the items for the fair exhibit, and he thanked Mark Larrow for all the work and time he spent on developing the display infographic for the fair.

Philip Costello (General Counsel) – Mr. Costello explained the Road Commission received a 41-page Letter outlining complaints filled with numerous exhibits, from a non-resident (attorney) about drainage concerns on N. Dixie Hwy. He felt the complaint was without merit as the person had a former working relationship and was now making accusations about too much run off into the ditch. He would not recommend responding.

Commissioner Pace inquired about the letter from MDOT regarding the audit. Mr. Costello explained the MCRC would submit a letter to appeal the decision regarding the depreciation on the trucks purchased with a CMAQ grant. Commissioner Pace wondered if the state doesn't allow the depreciation, if that would void the contract and would allow us to be done with the State contract.

12. Public Comment – None.

13. Commissioners' Comments -

Commissioner Pace asked if the Board was going to vote on the Scofield Road abandonment at the next meeting. Commissioner Iacoangeli explained the Board had requested additional information from the staff and the vote would be postponed until the 9/24/2018 regular meeting.

Commissioner Pace welcomed Matt Snell and Dave Leach and felt they would both do a good job for the Road Commission in their new capacities.

Commissioner Stewart also welcomed Mr. Leach to the staff. He updated the Board on attending the County Parks and Recreation Commission meeting. He provided information to the Commission members on the Road Commission interactive construction map that is available online. They are also discussing the use of millings at their meeting.

Commissioner Londo thanked everyone who came out for the Scofield Road abandonment hearing. He stated it was one of the most thorough public hearings for a road abandonment that he has sat through. He appreciated all the good comments and for the calm rationale attitude presented by each speaker. He understands there is an economic benefit to the township, but the Road Commission Board needs to determine the benefit to the county, if at all. The toughest decision they have is do we vote to benefit the few, and the township or county as a whole.

Commissioner Londo acknowledged the importance of expansion and the possibility of employment opportunities, but he would like to know Stoneco's intention with regard to hiring more local people. He would also like to see some additional long-term commitment from Stoneco not only to the township but to the residents that are directly affected. Before he votes for the abandonment, he would like to see how Stoneco plans to help out over and above for the loss of this road and the impact it will have to the residents – like how they plan to improve Geirman Road or whether they plan to install a new driveway for Mr. Sweeney, etc.

Commissioner Minton was excused.

Commissioner Iacoangeli also thanked everyone for coming out, especially knowing how this could affect the residents. He again stated this is not really the Road Commission's fight, as the Board listens to the professional recommendation of the staff on how abandoning a road would impact not only the services that we provide, but how it impacts the road system for the township and county. This should be a community decision and his major concern is for public safety. There are both pros and cons to abandoning the road, but a hard look needs to be taken on how this impacts the residents, the townships and the community. He sympathizes with all the residents, but the decision needs to be made based on what is best for the county as a whole.

14. Adjournment -

Chairman Iacoangeli stated if there are no objections, the meeting is adjourned at 7:04 p.m.

Cheryl A. U'Ran

Cheryl A. U'Ran, Deputy Clerk