

**MINUTES OF THE BOARD OF COUNTY ROAD COMMISSIONERS  
MONROE, MICHIGAN  
August 27, 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, August 27, 2018 the meeting was called to order by Chairman Iacoangeli at 5:32 p.m.

2. Roll Call by Deputy Clerk as follows:

**PRESENT**

Greg W. Stewart

Dan Minton

Stephen J. Pace

Paul Iacoangeli

**EXCUSED**

Charles A. Londo

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 Minton moved, seconded by Commissioner Stewart to approve the August 27, 2018 regular meeting agenda as presented. Vote: Ayes: 4 Nays: 0 Excused: 1 Motion carried.

6. Public Comment -

Charlene Dickerson, 20717 Milwaukee Road, Milan Township, reminded the Board that Milwaukee Road is still in very bad condition. She indicated the intersection of County Line Road and Milwaukee again needed attention due to the extra heavy truck traffic from the Nexus pipeline project.

Ms. Dickerson stated Milwaukee Road was the main connector from Lenawee County and even without the pipeline project traffic the 2.5 miles needs work.

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

Commissioner Pace asked to have item #4 pulled for further discussion.

1) Approval of Minutes- August 13, 2018 Regular Meeting Minutes

2) Approval of Journal Entry

No. 557 Vendor Checks #72713-72792

\$ 1,188,491.21

No. 567 Payroll Checks #64065-64082 & Advice #24385-24490

\$ 284,727.91

Sick/Vacation Payout - J. Function Check #64083

\$ 24,455.88

3) Township Contracts - N/A

4) Pulled for further discussion.

5) Approve the amended MCRC Municipal Resolution.

6) Approve 2018 Budget Amendment.

7) Award of Engineering Design Services Agreement for bridge designs on Petersburg Road at South Branch Macon Drain and Petersburg Road at Swamp Raisin Creek, Dundee Township, Monroe County, Michigan, to Brechting Bridge & Engineering, Inc. in the amount of \$34,796; and authorize the Managing Director to sign all documents on behalf of the Board.

Commissioner Minton moved, seconded by Commissioner Stewart to approve the August 27, 2018 Consent Agenda except item #4 that was pulled for further discussion. Vote: Ayes: 4 Nays: 0 Excused: 1 Motion carried.

Pulled for further discussion:

4) Approve and sign the Village Meadows Plat Three Agreement, Bedford Township, Monroe County, Michigan.

Commissioner Pace asked about if the developer would be taking the construction traffic through the subdivision roads. He stated he was aware that homeowners raised money to have their roads overband crack sealed and he had a concern that construction traffic would tear up the roads.

Mr. Pierce explained that the MCRC met with the developer and the staff met at the site and he deferred to Mr. Snell for further explanation.

Matthew Snell, County Highway Engineer, explained the staff met with the developer of Village Meadows Plat 3 earlier in the day and inspected the route for construction traffic. Mr. Bankowski has agreed to secure a \$25,000 maintenance bond for 4 years to protect the roads for phase 3 and 4. Construction is expected to start this fall.

Commissioner Pace questioned whether that would be enough money to cover any damage to the roads, including any underground or tile work, curb and gutter, etc. Mr. Snell felt that based on their inspection that amount would be sufficient.

Commissioner Pace wanted to make sure that agreement was in writing and still voiced concern about the amount. He was also concerned about truck traffic and noise disrupting the neighborhood and would like to have a time frame on when trucks can travel through the subdivision. Mr. Snell explained it was about one-quarter of a mile and the traffic would be coming off Temperance Road to Bush Drive to Webber to Village Meadows Drive. He also added that he had an agreement in hand, notarized saying Mr. Bankowski would secure the maintenance bond prior to the start of any work.

Commissioner Stewart added that Bedford Township has a noise ordinance between 9:00 p.m. and 7:00 a.m. and it is enforced. He felt that the staff evaluated the roads being used and they have reviewed the criteria and the \$25,000 should be sufficient.

Commissioner Pace asked that the Engineering Division look into developing a policy to address this type of issue as it is likely to come up again in the future. As developers start to build more subdivisions, they will have to use existing subdivision roads. He again voiced he felt the \$25,000 maintenance bond was too low.

Commissioner Iacoangeli voiced a concern that the 4 year bond would last until the final phase was completed. Mr. Snell indicate that was correct.

Bryce Bankowski, 1936 Woodland and owner of Bankowski Builders/Village Meadows Holdings, addressed the Board. He has been working on this for about 2½ years and received approval for the constructions drawings on July 24, 2018. He really needs to receive approval for Plat 3 to keep the project moving forward.

Mr. Bankowski explained he was called to meet with the staff this morning over the concerns with construction traffic using the subdivision roads and pointed out that the roads in Plat 1 and 2 were beefed up to support future construction traffic for Plats 3 and 4. The pavement was put in to support 142 homes, but only 96 have been built. He understands the Road Commission's concerns and agreed to put up the \$25,000 maintenance bond for these roads, but asked for time to secure this bond.

Commissioner Pace stated his main concern was for the current residents. He is supportive of working with the developer for Plats 3 and 4, but wanted to make sure the homeowners that put up their money to seal these roads are protected as well. He understands there will be a lot of heavy trucks hauling on these roads, and that any damage will be fixed.

Mr. Bankowski stated he agrees to secure a bond to cover the roads from any damage up to the \$25,000 as stated in the agreement. He indicated some residents came forward last week concerned about damage to the existing roads in the subdivision so this maintenance bond will take care of anything that happens to the roads during construction.

Commissioner Pace asked what happens if the damage is over \$25,000. He would like some type of assurance that the roads will be returned to the condition they are in now. If something out of the ordinary happens, he would like the developer to fix any damage that may occur. He would like the staff to video the roads prior to construction to be able to compare the wear and tear on these roads.

Mr. Bankowski indicated these roads are close to the end of their life expectancy and he doesn't feel he should have to be responsible to putting in new roads.

Commissioner Pace stated he is not asking the developer to build a new road, just make sure it is in the same condition as when he started.

Commissioner Minton shared some of Commissioner Pace's concerns but felt the Engineering staff has done their due diligence and he would support the recommendation for the \$25,000 maintenance bond.

Commissioner Iacoangeli asked Legal Counsel if the contractor has done something negligent, the Road Commission does have the ability to collect for damages done to a roads. Mr. Costello indicated anyone identified with damaging the road can be charged for the cost of repairing that road.

Commissioner Stewart clarified the three roads that would be used – Bush Drive, Webber and Village Meadows Drive. He felt the amount seems a little low but he had faith and confidence in the employees that inspected the road and estimated the amount for the maintenance bond.

Commissioner Iacoangeli said he would support the Village Meadows Plat Three Agreement conditional upon the developer securing the bond prior to construction.

Commissioner Pace asked what time frame was reasonable to secure a bond. Mr. Bankowski indicated he hoped it would only take a couple of days, as a pre-construction meeting was scheduled for August 30<sup>th</sup>, and he hoped he would be able to secure the bond before September 17<sup>th</sup>. He stated he would not proceed with construction without the bond.

Shawn Satterfield, 9052 Village Meadows Drive and 34 year employee of the Road Commission, voiced her concern about the \$25,000 maintenance bond. She has dealt with projects for many years, and she felt that amount was too low. She explained she had no problem with Mr. Bankowski coming into the subdivision to build Plat 3 and 4, but last year she went door to door asking residents to partner in paying for the overband crack fill work. The Road Commission doesn't have money to put into subdivision roads so the residents put up their hard earned money to crack fill these roads which isn't a permanent fix. There is only so much money and the Road Commission puts their money into primary and local roads that have larger volumes of traffic. The township doesn't contribute to subdivision roads either and residents are forced to go into SAD's which falls back to the residents and a huge concern to homeowners. She asked the Board to increase the maintenance bond amount.

Todd Allen, 9052 Village Meadows Drive and Road Commission employee, also voiced concern about the amount of the maintenance bond. Neither the township, nor Road Commission, contributes money to subdivision roads. He also helped go door to door asking their neighbors to pitch in money to fix their roads. He stated a lot of residents had heard rumors about the Plat 3 and 4 development, and voiced concern about the potential damage to their roads. He also felt the \$25,000 maintenance bond was too low and asked the Board to raise the amount.

Commissioner Pace moved, seconded by Commissioner Minton to approve the Village Meadows Plat Three Agreement contingent upon the staff videotaping the road before and after construction, and that the \$25,000 maintenance bond be secured and in place by September 6, 2018. Vote: Ayes: 4 Nays: 0 Excused: 1 Motion carried.

8. Unfinished Business – None.

9. New Business – None.

10. Report of Officers –

*Randy Pierce* (Managing Director) – Mr. Pierce informed the Board that he attended the MDOT audit dispute hearing with Phil Masserant last week. The Road Commission received the letter today stating the dispute was denied. With that in mind, Mr. Pierce asked the Board to consider the recommendation of the staff to give the one-year notice to terminate the MDOT State Trunkline Contract.

Mr. Pierce explained that MDOT knows it is coming, and they have asked what the Road Commission would do to keep the contract in place. Mr. Pierce would like to put this on the next agenda for official board action authorizing the letter be sent to MDOT with the one-year termination notice.

Commissioner Minton stated they should be asking the Road Commission what it would take to keep the state contract, instead of what we would do to keep the contract.

Mr. Pierce stated that dispute hearing was a farce. MDOT hasn't been cooperative the last few years, and they pick and choose what they want to pay for, with the denial of the depreciation being a prime example. At this point in time, the Road Commission is stable and can move forward to streamline the organization. Now would be the time to move to terminate the state contract.

Commissioner Pace stated he asked for a list of pros and cons of having the state contract from the staff, but he would like that information before the next board meeting. He would like to make sure we have looked at all the options, and it was a well thought out process when making the decision.

*Matthew Snell* (County Highway Engineer) – Mr. Snell stated he continues to work on the 5-year plan with Dave Leach and the staff.

*David M. Leach* (Superintendent of Maintenance) – Mr. Leach stated the contractor is back in the paving business. Paving work done is at about 48%, while the chip seals are 99% complete except for the half mile of Newburg. Overband crack fill work is about 36% complete, with the contractor working steady to finish that work. Maintenance crews are working on pulling berms in both East and West Districts, preparing for the second application of chloride shortly after Labor Day. The Stony Creek project is the next big project, also scheduled to begin after Labor Day.

Also, Mr. Leach stated he is in full support of giving MDOT the one-year notice to terminate the state contract.

Commissioner Pace asked if there would be any issues getting S. Stony Creek complete. Mr. Leach explained there is about 10 days of stabilization and trenching work to complete and it should be started mid-September with paving to follow immediately.

*Dori Hawkins-Freelain* (Director of Finance) – Ms. Hawkins-Freelain indicated she has happy to be with the Road Commission. She pointed out the 2019 Proposed Budget was given to the Board for review, and she has started the transition process with Phil Masserant.

*Philip Costello* (General Counsel) – Mr. Costello indicated he has been working with the Managing Director on the agreement for the sale of the Ida West Road property; and doing research on options to exercise the condemnation or eminent domain for the Smith/Jackman Road round-a-bout, which would add costs to the project to secure additional properties. He added this may not be workable.

11. Public Comment – None.

12. Commissioners' Comments -

*Commissioner Pace* had nothing additional to report.

*Commissioner Stewart* stated he continues to have office hours once a month in Bedford along with the Drain Commissioner. He would like to promote that he is there to answer questions county-wide, but most of the people who stop by are from south county area.

*Commissioner Londo* was excused.

*Commissioner Minton* had nothing additional to report.

*Commissioner Iacoangeli* had nothing additional to report.

13. Adjournment -

Chairman Iacoangeli stated if there are no objections, the meeting is adjourned at 6:08 p.m.

*Cheryl A. U'Ran*

-----  
Cheryl A. U'Ran, Deputy Clerk