

**MINUTES OF THE BOARD OF COUNTY ROAD COMMISSIONERS  
MONROE, MICHIGAN  
September 26, 2016**

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, September 26, 2016 the meeting was called to order by Chairman Iacoangeli at 5:30 p.m.
2. Roll Call by Deputy Clerk as follows:  

<u>PRESENT</u>	<u>EXCUSED</u>
Charles A. Londo	
Bruce R. Stammer, Jr.	
Dan Minton	
Stephen J. Pace	
Paul Iacoangeli	

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 Stammer to approve the September 26, 2016 regular meeting agenda as presented. Vote: Ayes: 5 Nays: 0 Motion carried.
6. Public Comment  

David Hoffman, County Commissioner, indicated a resident at 14595 Lulu Road addressed a concern with the county board about a culvert that needed to be cleaned because the ditch looks good. Mr. Hoffman asked if the MCRC would go out and look to see what needed to be done to assist this homeowner.

Mr. Hoffman also mentioned a dip on Stowell Road where the cross culvert was put in and it may now be sinking. He questioned if K-crete was used which is required by contractors. He asked that it be checked out.
7. The following items were listed on the Consent Agenda: *(with immediate effect)*
  - 1) Approval of Minutes- September 12, 2016 Regular Meeting Minutes
  - 2) Approval of Journal Entry

No. 585 Vendor Checks #68927-68988	\$ 444,460.23
Bank Fees – July 2016	\$ 60.00
No. 600 Payroll Checks #63203-53214 & Advice #19825-19913	\$ 233,481.48
Vacation payout/termination – H.White Check #63215	\$ 304.52
No. 604 Vendor Checks #68989-69029	\$ 477,919.73
  - 3) Township Contracts – N/A
  - 4) Approve and sign the Mobile Device Policy #2016-05.
  - 5) Award contract for full construction engineering services on the North Dixie Highway at the Bancroft Knowles Drain project to low bidder, Spicer Groups Inc., in the amount of \$28,732.00 and authorize the Managing Director to sign on behalf of the Board.

Commissioner Stammer moved, seconded by Commissioner Pace to approve the September 26, 2016 Consent Agenda as presented. Vote: Ayes: 5 Nays: 0 Motion carried.

8. Unfinished Business -

1) Approve the 2017 MCRC Budget.

Commissioner Londo asked what changes had been made since the public hearing. Mr. Masserant explained there were two major changes from the document presented at the public hearing. The Road Commission received the County Drain Assessment which came in lower than expected, and the project information was corrected because there was a 2018 project included when only the design services portion should have been in the 2017 budget. Due to these changes, the budget now reflects a surplus. Mr. Masserant also indicated he received an email that the lock box will not affect the Road Commission's December payment.

Commissioner Londo asked if the surplus could be allocated to other road projects that need attention. Mr. Masserant indicated that was always possible but the staff would have a better idea after meeting with the townships to develop a project list. He explained that it helps with getting better bid prices when a good project list is developed.

Commissioner Londo appreciated the list of federal aid projects and asked when the Board could expect a maintenance project list. Mr. Masserant explained that list is put together in conjunction with the townships. Mr. Assenmacher indicated some townships are delaying meetings until the new fiscal year and their new boards put in place.

Commissioner Londo asked for an anticipated time line to get these lists developed. Mr. Assenmacher indicated a list with about half of the projects should be available after the first of the year.

Commissioner Londo moved, seconded by Commissioner Stammer to approve the 2017 MCRC budget as presented. Vote: Ayes: 5 Nays: 0 Motion carried.

9. New Business -

1) RFP for Legal Services.

Commissioner Iacoangeli indicated RFP's for Legal Services went out and only two (2) bids were received. One from Philip Costello PLLC with an annual fixed lump sum of \$36,600 or an alternative option to continue the current agreement of \$2,000 per month retainer for the first 16 hours and additional hours at \$125/hour; and one from Clark Hill PLC with an annual fixed lump sum of \$50,000.

Commissioner Londo inquired about the number of times Mr. Costello has gone over the minimum 16 hours in a given month. Mr. Pierce indicated a few times because the staff has been working on updating policies and other legal issues but he wasn't certain about the number of hours. Commissioner Iacoangeli indicated he requested information and had annual totals available. Commissioner Londo wanted to know how that relates to the number of hours over the 16 hour minimum.

Commissioner Minton indicated per the packet, it showed an average of 5 hours per month. Mr. Costello explained he estimated a minimum of 5 hours per month. His proposal was based on the actual last 3 years.

Commissioner Pace inquired as to the length of the contract – one or two years.

Commissioner Iacoangeli explained the last contract was for two (2) years with a one year extension approved by the Board. It appears the RFP went out listing a two (2) year term. He asked if the Managing Director had a recommendation.

Mr. Pierce recommended retaining Philip Costello as the Board's legal counsel using the alternate option of \$2,000/month retainer and additional hours charged at the \$125/hour rate for a period of two (2) years, as outlined in his communication to the Board. He added in fairness to Mr. Costello, the staff has utilized his services and experience on reviewing policies, the truck network and a variety of other issues.

Commissioner Minton indicated he wanted to make sure the Board was a good steward of the money as a Road Commission representative.

Commissioner Pace stated Mr. Costello has been very professional and timely in providing information and opinions to the Board. He hadn't heard any complaints from the staff about the services he has been providing. Commissioner Pace felt it would be in the Board's and County's best interest to retain Mr. Costello and approve a two (2) year contract.

Commissioner Minton moved, seconded by Commissioner. Pace to retain Philip A. Costello as the MCRC Legal Counsel under the alternative option (\$2,000/month retainer and additional hours over 16 hours charged at \$125/hour) for a two (2) year term.

Roll Call Vote:

YES

NO

Stephen J. Pace

Bruce R. Stammer, Jr.

Charles A. Londo

Dan Minton

Paul Iacoangeli

Vote: Ayes: 5 Nays: 0 Motion carried.

10. Report of Officers –

*Randy Pierce* (Managing Director/Superintendent of Maintenance) – Mr. Pierce provided an update on the maintenance projects. The chip seals, scrub seals, berm removal and stoning project are completed. The fog seals and texture seals should be completed by next week. The overband crack fill program should be finished by the end of October, along with the microsurfacing projects. Paving contractors should be finishing projects by the end of the month also. Everything appears to be going well and the crews are working on zone patching and the excess gradall contracts, weather permitting. He also indicated the maintenance division is starting to prepare for the winter months.

Commissioner Londo inquired about the status of the new storage facility. Mr. Pierce explained that a site plan is being prepared for review by Ash Township. Due to the lateness in the year, the tent will be not on site this year. We will preparing the property and using it as for training for new operators on the excavator as we install new culverts on the property. He will be meeting with Scott F. Assenmacher and Tim Csurgo to finalize ideas on how to proceed.

*Phillip C. Masserant* (Director of Finance) – Mr. Masserant provided the Board with an 11-month financial statement. August was a busy month with over \$3million in construction projects. He expects September to be just as big for construction, and he is looking forward to the end of the year to see what carries forward into 2017. He hopes to close the year as soon as possible and the annual audit should start the end of November.

*Keith C. Richard* (Director of Operations) – Mr. Richard was excused.

*Scott Assenmacher* (County Highway Engineer) – Mr. Assenmacher stated engineering projects are winding down. Works continues on the Ida West Road project. High friction surface seals will be wrapping up. The North Dixie at Bancroft Drain project is on hold due to some conflicts with utilities but is moving ahead. Engineering personnel will be busy finishing and filing paperwork on federal aid projects then gearing up for next year. Next year looks like another busy year with three bridge projects and design work.

*Philip Costello* (General Counsel) – Mr. Costello thanked the Board for the reappointment. He updated the Board on his involvement with an abandonment issue in Monroe Charter Township that has a potential resolution. He advised the Board that Frenchtown Charter Township recently passed their truck ordinance. He has been reviewing penalty provision associated with the truck network. The First District Court has developed a standard scheduled associated with violations and the fines. The downside is the Court does not appear to be enforcing the greater penalty for the second offense.

Commissioner Pace asked if the fines are going to the townships. Mr. Costello indicated the fines still go to the library, but the costs are split between the township and the state.

Commissioner Minton inquired about the purchase of the property. Mr. Costello indicated the county approved the purchase. Mr. Masserant indicated the check was written.

11. Public Comment -

Mary Zaums, 7051 Edinburgh, Lambertville, indicated she is the President of the Green Hills Lot Association and a 43 year resident of Green Hills, Bedford Township. In 2006, the residents entered into an SAD with the township and Road Commission. The assessment will be done in 2021. The residents are asking for maintenance on their roads to fill cracks and fill potholes are outlined in their agreement.

David Hoffman, County Commissioner, stated using K-crete is a win-win situation if done right. It only takes a few extra minutes to use this product and it is costly to do compaction testing.

12. Commissioners' Comments -

*Commissioner Pace* had nothing additional.

*Commissioner Stammer* thanked Mr. Masserant and the finance department for a nice job on the budget. He appreciated all the work and the timely information that Mr. Masserant provides to the Board.

*Commissioner Londo* stated it was nice to see the activity at the corner of Stewart and Telegraph with the opening of the new businesses.

*Commissioner Minton* also stated Mr. Masserant did a nice job on the budget presentation. He also acknowledged the rest of the Road Commission staff. He indicated retaining Mr. Costello was a great service to the Board and the community.

*Commissioner Iacoangeli* thanked Mr. Masserant and Mr. Assenmacher for the federal aid project list citing it was very helpful. He stated he looked forward to the project list once the townships submit their contracts.

Commissioner Iacoangeli asked about the barrels at the intersection of LaPlaisance and Dunbar.

Mr. Assenmacher explained they are temporary barrels to allow the manhole to be raised. They were about 2 feet lower than they should be due to cold patch being used over the years to build up the edge from trucks breaking off the pavement. The Road Commission is in the process of sketching a drawing for the railroad's approval. There is a tentative plan and the railroad has been receptive to the solutions presented.

13. Adjournment -

Chairman Iacoangeli stated if there are no objections, the meeting is adjourned at 6:14 p.m.

*Cheryl A. U'Ran*

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Cheryl A. U'Ran, Deputy Clerk