

**MINUTES OF THE BOARD OF COUNTY ROAD COMMISSIONERS
MONROE, MICHIGAN
October 22, 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, October 22, 2018 the meeting was called to order by Chairman Iacoangeli at 5:30 p.m.

2. Roll Call by Deputy Clerk as follows:

PRESENT

Charles A. Londo

Greg W. Stewart

Dan Minton

Paul Iacoangeli

EXCUSED

Stephen J. Pace

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 October 22, 2018 regular meeting agenda as presented. Vote: Ayes: 4 Nays: 0 Excused: 1 Motion carried.

6. Public Comment -

Vince Burkey, 5950 Edgewood, Monroe, addressed the Board about the dangerous conditions on North Custer Road due to farming operations leaving mud on the road surface. He indicated he was driving North Custer during the day on Monday and the road was slippery due to the mud left on the roads from tomato trucks exiting the Janssen Farm. He again drove this section of road Wednesday and it was raining hard, so on his return trip he remembered to slow down so he didn't get a lot of mud on his truck. As he slowed down, his vehicle started to slide and he could not stop and put his arm out to protect his grandson. He indicated he is a retired deputy and knows how to handle a vehicle, but he couldn't get it stopped and was pumping the brakes to slow down. He ended up hitting another vehicle that had already hit a tractor that was in the roadway trying to clean off the mud from the road surface. The tractor was broken in half from the original impact. The occupants were bumped and bruised up from the accident, but not seriously hurt. The road was like solid ice.

Mr. Burkey showed the Board pictures taken that evening and the next day to show the condition of the road and the damage to the tractor. He understands the farmers need to get their crops out of the fields for market, but the Janssen Brothers harvesting methods leave a huge amount of mud on the roads which turns to mud, then ice when it rains.

Mr. Burkey explained the car that hit the tractor said they didn't see any lights on the tractor, and he didn't see any lights on the tractor before he hit the vehicle in front of him. The driver of the tractor was not cited, but the other drivers received citations. He said something needs to be done before there is a fatality on this road. The mud is packed so hard on the road it is like ice. The officer at the scene told him the Road Commission has the authority to do something. Under normal conditions the speed limit is 45 mph, but with the mud on the road and the rain there should have been some type of warning that work was being done on the road. The tractor was trying to scrape the mud off the road in the dark. Someone is going to get seriously hurt.

The Road Commission was out the next day trying to get the mud off the road. Something needs to be done before someone is killed. Possibly signs warning of the farm operations because you can't even see the white line down the middle of the road. Due to the texture of the black top you cannot get all the mud off the road. This is a continuous situation and something needs to be done. The firemen couldn't even stand on the road surface that night. He indicated he would be talking with Senator Dale Zorn about passing something that requires the farmers to provide a warning notice or signage that operations are taking place. The road is still in bad shape today.

Charlene Dickerson, Milwaukee Road, acknowledged improvement at the intersection of Milwaukee and N. County Line Road. She questioned how the road crews decide which potholes to patch because it appears to be random as there are quite a few left unfilled. She would like to talk to someone about this.

Don Sweeney, Scofield Road resident, stated he finds it odd that Stoneco can offer the township \$1.44 million and pay Detroit Edison \$800,000 to move utility poles, but has never approached him or made any type of offer to him to compensate for his potential loss. This abandonment will hurt his farm as he has a half-mile of frontage on Scofield Road. He understands the township needs money for roads, but he lives in the townships and understands the need however, he would like to be compensated as he is nearing retirement. This will seriously hurt his family and destroy any hope of dividing the property in the future for his children and grandchildren.

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

1) Approval of Minutes- October 8, 2018 Regular Meeting Minutes

2) Approval of Journal Entry

No. 719 Vendor Checks #73029-73121	\$ 1,989,832.35
No. 740 Payroll Checks #64175-64195 & Advice #24750-24870	\$ 275,781.14

3) Township Contracts

Frenchtown Charter Township

Heiss	US 24 to N. Monroe	Drainage
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4) Approve and sign the Signature Sheet for Village Meadows Plat 3, Bedford Township, Monroe County, Michigan; and authorize the Chairman to sign on behalf of the Board.

5) Approve the purchase of three (3) GMC Sierra 2500HD Double Cab 4x4 trucks with front plows in the amount of \$100,917.60 through MiDeal Program.

Commissioner Stewart moved, seconded by Commissioner Minton to approve the October 22, 2018 Consent Agenda as presented. Vote: Ayes: 4 Nays: 0 Excused: 1 Motion carried.

8. Unfinished Business -

1) Continuation of Scofield Road abandonment discussion.

Commissioner Stewart made a motion to approve the abandonment to begin the conversation. There has been a lot of talk about the abandonment and many aspects pointing out pros and cons of this action. The Township delivered a letter supporting the abandonment as requested, and he could only assume that the agreement is between the township and Stoneco only and does not include the Road Commission. He would also assume the township has addressed all the safety issues.

Commissioner Stewart clarified that should the Board move forward this only means that the MCRC is giving up their interest in the road, additional action is required at the court level.

Mr. Costello clarified that the statute language requires the term abandonment, but it means the Road Commission is giving up their interest in the road and it reverts back to the township.

Commissioner Londo asked Attorney Jeff Osment if he had talked with Stoneco about compensating Mr. Sweeney as he has asked at a prior meeting. Mr. Osment indicated he did have some discussion with his client, and looked at the property and Mr. Sweeney is not affected as his frontage is not on Scofield.

Mr. Sweeney indicated he has frontage on Doty and Scofield Roads, with 90% of frontage on Scofield.

Commissioner Londo asked Mr. Osment to go back and talk with Stoneco about Mr. Sweeney's property. Mr. Osment said he would do that.

Commissioner Stewart clarified that the abandonment would create a hardship to the Sweeney family as they wouldn't be able to split off buildable lots in the future. Mr. Sweeney said that was correct. Mr. Osment said he understood Mr. Sweeney's situation, but the future is speculative.

Enrique Perez, Bitz Road resident, said a simple solution would be to put a red light at Doty Road for regular vehicle traffic and a yellow blinking light for truck traffic so the road wouldn't have to be abandoned. That way Stoneco could have direct access for their trucks crossing the road. He also said the safety concerns have not been addressed.

Mr. Bob Queen, Exeter Township Supervisor, indicated Stoneco requested to have the road abandoned so he was not sure of their intent.

Commissioner Stewart indicated the request before the Board was to abandon the Road Commission's interest in Scofield, and any other comments should be directed to the Township as they have the final rule in the request.

Commissioner Stewart moved, seconded by Commissioner Londo to approve the Resolution to abandon the MCRC's interest in Scofield Road, between Raisin Street and Doty Road, Exeter Township, Monroe County, Michigan. Vote: Ayes: 4 Nays: 0 Excused: 1 Motion carried.

9. New Business –

1) Discussion on Milwaukee Road (N. County Line to Dennison).

Mr. Pierce indicated that David Leach had been working on options and alternatives for Milwaukee Road so he turned the discussion over to him.

Mr. Leach explained that he has reviewed the road and continuing with cold patch was not the solution. The MCRC is putting down approximately 100 ton of cold patch for Milwaukee Road, which equates to about \$25,000 a year. Due to the high cost factor of using cold patch, it would be his recommendation to turn this road back to gravel for the time being. It would be easier to maintain this road at a more reasonable cost of about \$4,000 a year, which would be better for the motoring public. The MCRC would look to return the road to a hard surface in the future, possibly 2021.

Commissioner Minton asked how many houses would be affected. The estimate was 13-15 homes along this section of road.

Mr. Leach explained that other crush and shape work is scheduled to be done by Ten Mile Creek so it could be done yet this year. He provided an estimate for the work should the Board wish to act on his recommendation.

Commissioner Iacoangeli felt this was a good solution for the short term. No one wants their road to be turned back to gravel, but in the short term it would be an improvement.

Commissioner Londo indicated if the crush and shape was similar to the work done on Stony Creek, turning it back to gravel would be a much better solution at this time. He would have no problem turning it back to gravel as long as the Road Commission maintained it properly. Mr. Leach pointed out Milwaukee Road would not be stabilized like was done on Stony Creek.

Commissioner Stewart indicated he drove the road this morning and counted 13 homes. The patching was hit and miss due to the condition of the road. The road is crowned in the middle and on the sides so the crush and shape would make the road much better. He explained that Substation Road was turned to gravel for about 1 ½ years and the residents appreciated the gravel because it could be maintained until it was returned to a hard surface.

Commissioner Minton moved, seconded by Commissioner Stewart to approve returning Milwaukee Road (North County Line to Dennison) to gravel as recommended by the Superintendent of Maintenance, and adjust the budget accordingly. Vote: Ayes: 4 Nays: 0 Excused: 1 Motion carried.

10. Report of Officers –

Randy Pierce (Managing Director) – Mr. Pierce explained the NE Salt facility is moving along and is on schedule. Salt should be in place in November. He also indicated the follow up meeting with MDOT to discuss the state trunkline contract was scheduled for Monday, October 29th.

Matthew Snell (County Highway Engineer) – Mr. Snell updated the Board on Engineering projects. The overlay on Oakville Waltz Road (Sumpter to Exeter township line) was finished last week; the Luna Pier Road (M-125 to I-75) work will begin on Wednesday; and the Todd Road project was paved Saturday and the finishing touches should be completed this week.

Mr. Snell also advised the Board that he has attended Federal Aid training with SEMCOG for the new project tracking program; and the next Federal Aid meeting is scheduled for November 14th to discuss the 2021-2023 projects.

David M. Leach (Superintendent of Maintenance) – Mr. Leach informed the Board that the Dennison Road, Jackman Road, Douglas Road and Bates Lane projects have been completed. The surface course for S. Stony Creek should begin next week and hope to finish next week; and the county-wide overband crack work is complete.

Commissioner Minton asked if Mr. Leach could provide a spreadsheet of the Road Commission's fleet at a future meeting. Mr. Leach indicated he would prepare that for the Board.

Dori Hawkins-Freelain (Director of Finance) – Ms. Hawkins-Freelain indicated the August financials were distributed to the Board, but stated the September financials will look very different due to the upcoming construction expenditures for the end of the season.

Philip Costello (General Counsel) – Mr. Costello had nothing additional to report.

11. Public Comment -

David Hoffman, County Commissioner, stated the Bates Lane paving job looked great but there were still three wet spots where the shoulder needed to be cut to get water off road surface.

Mr. Hoffman also addressed Mr. Burkey's earlier comments. As a contractor working in the right-of-way, he is required to put signs and cones out to warn traffic. If he doesn't, he risks having his insurance cancelled if an accident happened. He stated he drove that road, and it is really bad. He also mentioned farming operations taking place on Stewart Road, Stadler Road and Scheick Road that has similar issues. He suggested signs be placed when these operations are taking place. The farmers try to clean the mud off the roads, but it is making a mess and he hasn't seen any lights on the tractors when he has been out checking roads.

Mr. Burkey asked if the MCRC Board has the authority to take legal action against someone creating a hazardous condition to the road.

12. Commissioners' Comments -

Commissioner Pace was excused.

Commissioner Stewart had nothing additional to report.

Commissioner Londo requested Mr. Pierce conduct research on the comments raised by Mr. Burkey and County Commissioner Hoffman as it relates to traffic safety.

Commissioner Minton was grateful that Mr. Burkey and his grandson weren't seriously hurt, as well as the others involved in the accident. He stated he travels that road daily and the road is still in bad shape as Mr. Burkey explained. He is a half hour off that road. He was alarmed when he came upon it and he alerted the Road Commission and they jumped on it and has crews out there trying to clean the road. He stated he was going to take a step further than Commissioner Londo's request to have staff research this issue and asked legal counsel what the Road Commission can do right now.

Mr. Costello indicated it is a crime to obstruct a road. It is only a misdemeanor to obstruct the road, and it appears the farmer was obstructing the roadway. Also, a property owner is not allowed to work in the road right-of-way without first obtaining a permit. No permit was obtained because it would have outlined the need for signage, signaling, flashers, flaggers, etc.

The MCRC is keeping track of the time and material used to put the road back in usable condition, and plans to charge the property owner accordingly. Mr. Costello would like to look further into whether there is any ability to shut down an operation or close the driveways and get back to the board. He also stated there are ways to clean vehicles before they enter the road right-of-way.

Commissioner Minton indicated he drove N. Custer Road around 8:30pm and it had rained, it was slick and he was concerned. He attended a meeting the next morning at the MCRC and learned our crews were called out later that evening due to an accident that happened in the same area. It is unfortunate, but if the Board needs to address the need for safety and proper signage this time of year we need to check into it.

Commissioner Iacoangeli had nothing additional to report.

13. Adjournment -

Chairman Iacoangeli stated if there are no objections, the meeting is adjourned at 6:17 p.m.

Cheryl A. U'Ran

Cheryl A. U'Ran, Deputy Clerk