

**LAPEER COUNTY ROAD COMMISSION
REGULAR BOARD MEETING
Wednesday, July 28, 2021
4:30 p.m.**

Present: Mr. James Novak, Jr. Chairman; Mr. Leslie Nichols, Vice Chairman; Mr. Terry Jostock, Member; Mr. Erick Pearson, Managing Director; Mrs. Tamela Delvecchio, Acting as Board Secretary; Mr. Zeb Schons, Superintendent; Mr. Destain Gingell, County Highway Engineer.

Mr. Adam Sanderson, TPOAM Vice President; Mr. Dustin Vermeulen, 1071 President;

Residents: Mr. Guy Parsons, Ms. Cindy Solon, Mr. Jason Walker, Ms. Lisa Haack, Ms. Jarrett Schenkel, Mr. Rick Schenkel, Mr. Rick Spezia, Ms. Rusty Spezia, Mr. Dave Brusie, Ms. Amanda Roman, Mr. Richard Haack, Ms. Janet Wilson, Ms. Cosette Tank

Mr. Novak called the meeting to order at 4:30 p.m. The Pledge of Allegiance was recited.

Approval of the Agenda

072821-140

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

Approval of Prior Board Meeting Minutes

072821-141

Motion by Commissioner Nichols, seconded by Commissioner Jostock to approve the Regular Meeting minutes for July 14, 2021 with the corrections made by Commissioner Jostock. Motion carried.

Chairman Novak instructed everyone to make sure they signed in as they entered the building so we have the information for minute purposes.

Approval of Disbursements

072821-142

Motion by Commissioner Nichols. Commissioner Jostock asked why we paid sales tax on some invoices. Mr. Pearson asked what invoices and Commissioner Jostock stated that he didn't remember but there were 3 invoices he saw. Mr. Pearson stated that the invoices were there and we could look at them. Commissioner Jostock replied he couldn't remember what they were, in the future, we need to make sure we are not paying sales tax. Seconded by Commissioner Jostock to approve the Accounts Payable and Payroll dated July 29, 2021 in the amount of \$972,383.90. Motion carried.

Road Project Agreements

072821-143

Motion by Commissioner Jostock, seconded by Commissioner Nichols to approve the Deerfield, Elba and Marathon Township Road Project Agreements. Motion carried.

Deerfield

489-006-213504 Gravel Haul 8500 tons various roads
Estimated Cost: \$98,000.00 Twp

504-006-213505 Culvert replacement Tozer Road 18x32 poly cmp
Estimated Cost: \$3,325.00 Twp

504-006-213506 Tree Removal Gleaners Hall Road
Estimated Cost: \$9,000 Twp

489-006-213507 stumps, ditch, driveway culverts Gleaners Hall Road
Estimated Cost: \$32,000 Twp

504-006-213508 Crack Seal – Falkenburry Road
Estimated Cost: \$12,000.00Twp

504-006-213509 Crack seal – Hickory Place
Estimated Cost: \$4,500.00Twp

489-006-2123510 Ditch – Oliver Road
Estimated Cost: \$35,000.00Twp

504-006-213511 Crack Seal White Road
Estimated Cost: \$13,046.00Twp

504-006-213512 Culvert Oak Grove Road
Estimated Cost: \$4159.38Twp

504-006-213513 Lakeshore Drive – tree removal
Estimated cost: \$600.00Twp

489-006-213514 Falkenburry Road – 600 ton of 23A limestone
Estimated Cost: \$14,000.00 Twp

504-006-213515 Peninsula Drive – 600 tons of gravel
Estimated Cost: \$9,506.00 Twp

489-006-213516 Oliver Road Clear ROW
Estimated Cost: \$20,500.00 Twp

Marathon

489-013-214208 Washburn Road – haul 2600 tons of gravel
Estimated Cost: \$33,446.00

Elba Township

489-008-213707 Farm Hill/ Grand Beach and Hasler Road cross culvert
Estimated Cost: \$58,041.06

TCO Barber Road
072821-144

TCO
LAPEER COUNTY ROAD COMMISSION
Resolution #072821-144

TCO#3(15)2021

WHEREAS, under the provisions of Chapter VI of Act No. 300, Public Acts of Michigan of 1949, as amended (Michigan Vehicle Code), this Board is authorized to place and maintain traffic control devices and traffic control signals on any highway under its jurisdiction for the purpose of regulating, warning or guiding traffic;

WHEREAS, Barber Road over the S. Br. Flint River between Brocker Road and Dryden Road is a local county road in Metamora Township under the jurisdiction of this Board and, in the interest of public safety, it is deemed necessary to place and maintain certain traffic control devices and/or signals on said roads to regulate, warn or guide traffic.

THEREFORE, BE IT RESOLVED in accordance with the Engineer’s recommendation, that Barber Road over the S. Br. Flint River between Brocker Road and Dryden Road in Metamora Township be **open to legal loading**.

This TCO supercedes TCO # 1(15)2013

BE IT FURTHER RESOLVED, that the necessary signs shall be erected/removed to give notice of the regulation herein before established; and

BE IT FURTHER RESOLVED, that a certified copy hereof be filed with the County Clerk of the County of Lapeer, Michigan.

Motion by Commissioner Nichols

Motion supported by Commissioner Jostock

Ayes: Novak, Nichols, Jostock

TCO Bohms Road
072821-145

LAPEER COUNTY ROAD COMMISSION
Resolution #072821-145

TCO#1(15)2021

WHEREAS, under the provisions of Chapter VI of Act No. 300, Public Acts of Michigan of 1949, as amended (Michigan Vehicle Code), this Board is authorized to place and maintain traffic control devices and traffic control signals on any highway under its jurisdiction for the purpose of regulating, warning or guiding traffic;

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WHEREAS, Bohms Road over the Madison Drain between Fay Road and Schook Road is a local county road in Goodland Township under the jurisdiction of this Board and, in the interest of public safety, it is deemed

necessary to place and maintain certain traffic control devices and/or signals on said roads to regulate, warn or guide traffic

THEREFORE, BE IT RESOLVED in accordance with the Engineer's recommendation, that Bohms Road over the Madison Drain between Fay Road and Schook Road in Goodland Township be posted as: **Closed**

This TCO supercedes TCO # 5(09)1988

BE IT FURTHER RESOLVED, that the necessary signs shall be erected/removed to give notice of the regulation herein before established; and

BE IT FURTHER RESOLVED, that a certified copy hereof be filed with the County Clerk of the County of Lapeer, Michigan.

Motion by Commissioner Nichols

Motion supported by Commissioner Jostock

Ayes: Novak, Nichols, Jostock

Engineering Bid Tabulations
072821-146

Brief discussion about the projects and bid tabulations. Motion by Commissioner Nichols, seconded by Commissioner Jostock to approve the bid tabulations in the best interest of the Road Commission.

Managing Director Report

Mr. Pearson reported to the Board that the annual MIdeal bids for salt were in and went over the bid prices.

Mr. Pearson briefed the Board on the latest KWA update.

Mr. Pearson explained that 2 interviews had been conducted and we have received several more promising resumes.

Superintendent Report

Mr. Schons gave an update on the gravel haul and the mowing.

Mr. Schons talked about the pig roast he would like to throw for the employees as our Christmas party was canceled last year.

Mr. Schons discussed the Superintendents conference in October he would like to attend with two Foreman.

Employee Luncheon
072821-147

Commissioner Nichols made a motion to approve Safety luncheon for employees, seconded by Commissioner Jostock.

Engineering Report

Mr. Gingell explained that there was a \$3500 Paser rating reimbursement Lapeer County Road Commission would receive.

Mr. Gingell gave a project update on Silverwood Bridge, Burnside Bridge, Davison Road and General Squier.

Mr. Gingell informed the Board that the Saginaw Road Bridge was underway, concerns about a steel shortage, statewide shortage on bridge material.

Public Comment

Chairman Novak read the guidelines for public time.

Ms. Cindy Solon, Burlington Township, thanked Destain for getting Barnes Road paved where the cross culvert was replaced. Ms. Solon asked the Board where did the money go that was allocated for Barnes Road and why are you paying to redo General Squier Road when you are abandoning it?

Ms. Amanda Roman told the Board that she applied for the position and wanted to know when a decision will be made.

Commissioner Comments

Commissioner Jostock asked if we had started the 5-year plan.

Mr. Gingell explained the asset management process for developing the plans and Federal Aid eligible roads.

Commissioner Jostock stated that the reason all the people were here was because if its based on traffic counts they will never get anything done.

Mr. Gingell again explained the asset management process and how roads are picked for projects.

Commissioner Jostock stated Silverwood Road was unsafe.

Mr. Gingell reported how safety grants are applied for.

Mr. Gingell clarified that the petitions received for the abandonment of General Squier were not the section of road that was redone this year.

Mr. Novak questioned who looked up the minutes to answer Ms. Solons other question.

Mr. Pearson stated that he had looked up the minutes and the Board did not state that they promised Barnes Road would be done.

Chairman Novak reported we spent 4 million on roads.

Commissioner Jostock questioned the purchasing process, reading an excerpt from the CRA handbook.

Mr. Pearson explained that we use MIdeal for big purchases.

Mr. Schons reported that Adam was here and he could explain, Adam and Howard both call around for prices.

Commissioner Jostock questioned the Peterbilt engine that had to be replaced.

Mr. Schons reported that it had went to the Board and they were briefed.

Commissioner Jostock questioned why we don't call around for fuel.

Mr. Adam Sanderson explained that he does call around and some vendors send him prices. He explained why he goes with the current vendor.

Commissioner Jostock asked Ms. Cindy Solon to read a statement he had wrote and asked for it to be placed in the minutes.

Dear Chairman Novak, Vice Chair Nichols, and Managers of LCRC,

I would like to present this letter to be read and filed in the minutes of the July 28, 2021 meeting of Lapeer County Road Commission. As the newest elected Road Commissioner, I would like to provide for the record my 7 month review of the Lapeer County Road Commission. Specifically, some of the hurdles I have faced as Commissioner and some of the issues that have been brought to my attention.

When I was asked to run and take on this role as Commissioner, I knew I would have my work cut out for me but I did not realize I would have to fight in order to fulfill my every day duties that come with this job. Things that I took for granted as a board member before are now an ongoing struggle – for no reason.

For instance, part of the responsibilities of being on the Board is reviewing and approving the bills. I took it for granted we would be provided copies of things ahead of time that we will be discussing/voting on at the next board meeting so we can come to meetings prepared. So, I requested and was subsequently denied a copy of the bills and the manager said it's a legality thing you have to review them here. So, I had to request and go into the LCRC office ahead of the meeting to review said bills. After review, I would like to know why the Road Commission is paying sales tax? As a political subdivision of the State of Michigan, it's purchases are tax exempt. After that initial discovery, I wonder what else has been approved/passed unnoticed because no one was actually reviewing the bills before they approved the payment.

That was just the tip of the iceberg as far as things they were going to deny my access to. How are we as a board, supposed to vote on things we are not allowed to review? I was denied employee contracts from the office manager. I requested (4) foreman's written annual evaluations and was told "well, I don't do written evaluations." Why has the Road Commission Manager never been held accountable for fulfilling his duties as written under his employment contract? Why is the office manger hobbling my ability to review employment contracts? What if there is an issue with an employee that leads to termination and we have nothing on paper to support the Road Commission's position? Policy is not uniformly applied

so it is only a matter of time before we are facing a wrongful termination or hostile work environment lawsuit from an employee/former employee.

I find it hard to enforce policy and procedure without cooperation from other Board Members and Road Commission Managers. Proper chain of command has been discussed and while it would be ideal if it were followed, employees do not feel comfortable to follow proper chain of command nor empowered to bring up any issues because of retaliation. The Road Commission's Assistant Manager is the first one failing to follow proper chain of command and creating a heated work environment. While he has admitted that, it does not help out the employees who seek assistance in addressing issues or grievances affecting them.

Speaking of policy not uniformly applied, why are only some LCRC vehicles fixed with GPS? If you are going to utilize that sort of technology it should be on all county road commission vehicles used daily and that information should be available to the Board. All the vehicles should have proper LCRC identification like the rest of the fleet. No one should be above following policy and proper procedure. Isn't it the Board's responsibility to hold the Managers accountable for following policy and playing by the same rules as the rest of the Road Commission? There should be transparency for all, not just some.

I was township supervisor for 6 years; during that time even when there were disagreements amongst board member, we always managed to work things out and remain professional without anyone carrying a grudge or retaliating on a personal level. The unprofessional and hostile treatment I receive from the Board and the Manger's is frankly unbelievable and unnecessary. We need to work together to make our Road Commission the best in Michigan. The employees deserve to come to work and feel confident that a job well done will provide them with secure employment. The residents deserve to have a Road Commission that is striving towards providing the best and safest roads, not constantly struggling with inner politics and unhappy staff. We can and should do better.

A discussion broke out about Commissioner Jostock's letter.

Ms. Solon made additional comments complaining ,and other residents, about Barnes Road.

Chairman Novak stated that we do not have a blank check, we would love to fix all the roads and we are not ignoring you but there simply are not enough funds.

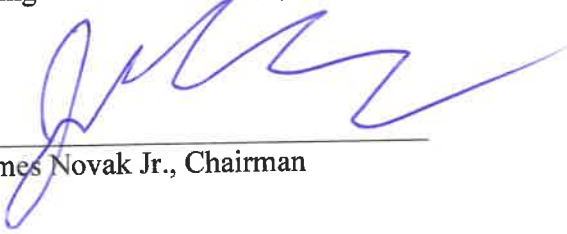
Mr. Schons mentioned from a maintenance perspective we get complaints in every Township, residents that complain as much as you about other roads.

Mr. Gingell declared that there is a process, I have been working on estimates for Barnes Road and Jefferson Road, as well as estimates for Township roads. Mr. Gingell explained that we have done Burnside Road, Barnes Road and Peck Road on the north end.

Mr. Gingell enlightened on the improper construction of General Squier and why it was falling apart and had been chosen.

Discussion continued on Barnes Road and the budget.

Being no further business, Chairman Novak declared the meeting adjourned at 6:05 p.m.



James Novak Jr., Chairman



Tamele M Delvecchio, Acting as Board Secretary