

GENESEE COUNTY ROAD COMMISSION

BOARD MEETING

August 02, 2022

MINUTES

CALL TO ORDER

Chairperson Elkins called the meeting of the Genesee County Board of Road Commissioners to order at 10:00 a.m. The meeting was held in the Board Room of the Genesee County Road Commission, 211 W. Oakley, Flint, Michigan 48503-3995.

ROLL CALL

Present: Timothy Elkins, Chairperson
Cathy Lane, Vice Chairperson
John Mandelaris, Commissioner
Cloyce Dickerson, Commissioner

Absent: David Arceo, Commissioner (excused)

Others Present: Fred Peivandi, Eric Johnston, Randy Dellaposta, Anthony Branch, Donna Poplar, Tracy Khan, Kylie Dontje, Genesee County Road Commission Staff; Attorney Andrew Cascini, (Henn Lesperance PLC), Linda Kossak, Secretary of the Board of Road Commissioners

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Elkins

APPROVAL OF AGENDA

August 02, 2022 – Agenda

Chairperson Elkins stated that there are two amendments to the agenda. The closed sessions have added wordage for clarity and transparency and a correction was made to the date of the next board meeting.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to approve the August 02, 2022 agenda as amended.

VOTE ON MOTION

Yes: Mandelaris, Dickerson, Elkins, Lane
No: None.

MOTION CARRIED.

APPROVAL OF MINUTES

July 19, 2022 Board Meeting Minutes

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Mr. Mandelaris, to approve the minutes of the July 19, 2022 Board Meeting.

VOTE ON MOTION

Yes: Lane, Mandelaris, Dickerson, Elkins
No: None.

MOTION CARRIED.

MEETINGS, PRESENTATIONS, HEARINGS, AND INFORMATION

Tuesday, August 02, 2022

1. Closed session to discuss a privileged written legal opinion pursuant to MCL 15.268(1)(h) concerning an external investigation regarding workplace conditions.
2. Closed session to discuss a privileged written legal opinion, pursuant to MCL 15.268(1)(h) concerning pending litigation in Federal District Court for the Eastern District Court Docket No. 4:21-CV-12568, Poplar v GCRC and to consult with legal counsel regarding trial or settlement strategy in specific pending litigation pursuant to MCL 15.268(1)(e) for which discussion in an open meeting would have a detrimental financial effect on the litigating or settlement position of the Road Commission.
3. Closed session to discuss a privileged written legal opinion pursuant to MCL 15.268(1)(h) concerning pending EEOC charge No. 23A-2021-00113, Stephanie Jaeger v GCRC

Tuesday, August 09, 2022

10:00 a.m. – Commissioner’s Budget Workshop

Tuesday, August 16, 2022

9:00 a.m. – Roads & Bridges Advisory Committee Meeting
10:00 a.m. - Board Meeting
10:05 a.m. – SDL Connect Resident Complaint Presentation

PUBLIC ADDRESS THE BOARD

None

CORRESPONDENCE

INCOMING

Letter correspondence from Ms. Trista Wolgast, Lake State Railway Company, regarding the cost of maintaining active traffic control devices - In a memorandum dated July 18, 2022, Ms. Trista Wolgast, Lake State Railway Company stated that the cost of maintaining active traffic control devices was determined through a cost study conducted by the Michigan Department of Transportation every ten years. Per the new Public Act 62, increases will now occur every two years at the rate of 6.64% beginning on January 1, 2024 and on January 1 of each even numbered year after 2024. (Copy filed with official minutes.)

Commissioner Lane asked if this cost is specific only to railroads. Mr. Peivandi stated that yes; this pertains only to railroad signal maintenance that the Road Commission has to pay for on a yearly basis.

OUTGOING

None.

INTERNAL

Email Correspondence from Ms. Sara Thomas, Clayton Township, thanking an employee for his kindness regarding her family member – Ms. Sara Thomas, Clayton Township requested that a Genesee County Road Commission employee, Mr. Derek Ross, Swartz Creek district garage be commended for showing exceptional kindness and patience to her family member while working on a road project in front of her parent's home. (Copy filed with official minutes.)

INFORMATION

None.

BOARD OF ROAD COMMISSIONERS' DECISIONS

DISCUSSION

Michigan Department of Transportation Contract No. 22-5337 – Resurfacing of both Mt. Morris Road, Flushing Charter Township and Linden Road, Fenton Charter Township - In a memorandum dated July 25, 2022, staff requested the Board approve MDOT Contract 22-5337 for the resurfacing of both Mt. Morris Road in Flushing Township and Linden Road in Fenton Township. (Copy filed with official minutes.)

Surface Transportation Program Funds	\$ 994,612.00
GCRC Local Share	\$ 248,653.00
Total Project Cost	\$1,243,265.00

ACTION TAKEN – Motion by Mr. Mandelaris, seconded by Ms. Lane, to approve MDOT Contract No. 22-5337 for the resurfacing of both Mt. Morris Road from Sheridan Road (M-13) to Gillette Road, Flushing Charter Township and Linden Road from the county line to Linden city limits, Fenton Charter Township and further, authorize two board members to sign the contract electronically for and on behalf of the Board of County Road Commissioners.

VOTE ON MOTION

Yes: Dickerson, Elkins, Lane, Mandelaris
 No: None

MOTION CARRIED.

Torrey Road Bridge over the Call Drain, MDOT Bridge Bundling Phase III, Flint Charter Township – In a memorandum dated July 25, 2022, staff requested the Board ratify the action taken by the Chairperson, Board Member, Managing Director and Secretary of the Board to sign the resolution, authorizing the Michigan Department of Transportation to proceed with adding the Torrey Road Bridge over the Call Drain into the bundling application for a FHWA 2022 Bridge Investment Program Grant, Flint Charter Township. (Copy filed with official minutes.)

Commissioner Lane requested that the wordage ‘Phase III’ be added to the motion. Managing Director Peivandi said that because this is a local road bridge and per the GCRC policy, Flint Township will have to pay 50% of the local match. Staff contacted Flint Township and they have agreed to pay their portion, which is half of the 20%, which totals 10% of the project costs. Managing Director Peivandi stated that the resolution had to be signed before the board meeting in order to meet the Michigan Department of Transportation’s resolution of commitment and support due date.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to ratify the action taken by the Chairperson, Board Member, Managing Director and Secretary of the Board to sign the resolution of commitment and support, authorizing the Michigan Department of Transportation to proceed with adding the Torrey Road Bridge over the Call Drain, MDOT Bridge Bundling Phase III application for a FHWA 2022 Bridge Investment Program Grant, Flint Charter Township.

VOTE ON MOTION

Yes: Elkins, Lane, Mandelaris, Dickerson
 No: None

MOTION CARRIED.

Bid Results and Award of Contract for the Rehabilitation of Wyndemere Square and Wyndemere Court in Mundy Charter Township – In a memorandum dated July 26, 2022, staff requested the Board approve the low bid submitted by Best Asphalt, Inc., for the rehabilitation of both Wyndemere Square and Wyndemere Court, Mundy Charter Township. Best Asphalt Inc. is in the process of having its Equal Employment Opportunity Plan be approved and on file with the GCRC. (Copy filed with official minutes.)

Human Resource Director, Donna Poplar stated that when you have an EEOP plan that is pending approval, the HR Director needs to agree to accept this contingency before moving forward and approving the award. Chairperson Elkins stated that this would be included in the motion.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to approve the low bid of \$180,668.34 and authorize the award to Best Asphalt Inc., for the rehabilitation of both Wyndemere Square and Wyndemere Court in Mundy Charter Township and further, authorize the Chairperson sign the construction contract after staff has received and accepted the contract, bonds, insurance and approved EEOP plan on file.

VOTE ON MOTION

Yes: Lane, Mandelaris, Dickerson, Elkins

No: None.

MOTION CARRIED.

Bid Results and Award of Contract for 2022 Primary Road Micro-Surfacing Proposal M-1, Various Townships – In a memorandum dated July 25, 2022, staff requested the Board accept the low bid submitted by Pavement Maintenance Systems, LLC for the 2022 Micro-surfacing Proposal M-1 Project. (Copy filed with official minutes.)

Commissioner Lane asked for clarification on where this work will be performed. Eric Johnston stated that this is from Dort Highway to Saginaw Street on Hill Road. This project just involves a few hundred feet of pavement.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Dickerson, to accept the low bid of \$602,379.55 for the 2022 Micro-surfacing, Proposal M-1 Project and further, authorize the Chairperson to sign the construction contract after staff has received and accepted the contract, bonds, current EEOP and insurance submitted by Pavement Maintenance Systems, LLC.

VOTE ON MOTION

Yes: Mandelaris, Dickerson, Elkins, Lane

No: None.

MOTION CARRIED.

Amendment to Purchase Order #84823 for Bobcat Parts – In a memorandum dated July 26, 2022, staff requested the Board approve the amendment of Purchase Order No. 84823 to Carleton Equipment to purchase Bobcat Parts on an as needed basis. (Copy of memorandum filed with official minutes.)

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to approve the amendment of Purchase Order No. 84823 to Carleton Equipment for Bobcat Parts reflecting an increase of \$5,000, raising the total amount to \$20,000 to be purchased on an as needed basis.

VOTE ON MOTION:

Yes: Mandelaris, Dickerson, Lane, Elkins
No: None

MOTION CARRIED.

Amendment to Purchase Order No. 85014 to Deere Credit for property tax payments for leased equipment – In a memorandum dated July 26, 2022, staff requested the Board approve the amendment of Purchase Order No. 85014 to Deere Credit for the property taxes due on the leased 2019 John Deere 870GP Motor Grader. (Copy filed with official minutes.)

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to approve the amendment of Purchase Order No. 85014 to Deere Credit reflecting an increase of \$9,776.87 raising the total amount to \$54,927.61 for the lease of a 2019 John Deere 870GP Motor Vehicle. John Deere Financial as owner of the equipment submits property tax payments to the taxing agency. John Deere Financial was billed by the City of Flint for \$9,776.87 as owner of the equipment; Although GCRC is exempt from the payment of certain taxes, the lease agreement states we agree to pay all taxes.

VOTE ON MOTION:

Yes: Dickerson, Elkins, Lane, Mandelaris
No: None

MOTION CARRIED.

Issuance of a Purchase Order to Lakeshore Sign and Safety Equipment for TAU II Attenuator Parts – In a memorandum dated July 20, 2022, staff requested the Board approve the issuance of a Purchase Order to Lakeshore Sign and Safety Equipment for the purchase of attenuator parts. (Copy filed with official minutes.)

Commissioner Mandelaris asked for clarification on what an attenuator is and why is it needed. Randy Dellaposta explained that an attenuator is a highway impact barrier or crash barrier used for safety reasons. It reduces the impact resulting from a major motor vehicle collision. In this case, there are 7 barrels with aluminum reinforcements used as the attenuator on WB I-69 at Miller Road.

ACTION TAKEN – Motion by Mr. Mandelaris, seconded by Ms. Lane, to approve the issuance of a Purchase Order to Lakeshore Sign and Safety Equipment for TAU II attenuator parts for a repair on WB I-69 at Miller Road in an amount of \$16,772.81. This was requested by the Michigan Department of Transportation.

VOTE ON MOTION:

Yes: Elkins, Lane, Mandelaris, Dickerson
No: None

MOTION CARRIED.

Ratification of Voucher Nos. 40826, 40827 and 40828 totaling \$1,497,440.05 – (Copies filed with official minutes.)

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to ratify the following Vouchers totaling \$1,497,440.05:

Voucher #40826 in the amount of \$551,531.19
Voucher #40827 in the amount of \$589,631.89
Voucher #40828 in the amount of \$356,279.97

VOTE ON MOTION:

Yes: Lane, Mandelaris, Dickerson, Elkins
No: None

MOTION CARRIED

CONSENT

Work Request for mowing in the Village of Otter Lake at various locations – In a memorandum dated July 21, 2022, staff requested the Board approve the work request for mowing work requested by the Village of Otter Lake at various locations, with the funding as follows:

Mundy Charter Township	\$2,495.84
GCRC	<u>\$ 0.00</u>
Total project cost	\$2,495.84

(Copy filed with official minutes.)

Commissioner Lane asked if this is for mowing one time only or over a period of time. Maintenance Director Anthony Branch answered this is for one time only at various locations.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to approve the work request for mowing requested by the Village of Otter Lake at various locations in the village limits.

VOTE ON MOTION:

Yes: Mandelaris, Dickerson, Elkins, Lane

No: None

MOTION CARRIED

MANAGING DIRECTOR REPORT

Managing Director Peivandi commented that the new County Road Association member directory is on each board member's desk.

Ribbon Cutting Ceremony – Dort Highway Extension - Deputy Managing Director Randy Dellaposta commented that the Road Commission had the official ribbon cutting ceremony on July 27 at 9:00 a.m. to open the Dort Highway Extension project. He wanted to thank Ms. Kylie Dontje, Communications Coordinator for planning the ribbon cutting ceremony as well as Grand Blanc Township and the GCRC Engineering staff for their help with the event.

COMMISSIONER'S CONCERNS

Ribbon Cutting Ceremony – Dort Highway Extension - Commissioner Mandelaris thanked staff for putting together the ribbon cutting ceremony and asked if the Board could be notified sooner so that everyone can make plans to attend these events. Commissioner Dickerson and Chairperson Elkins agreed with this request.

MDOT Project Numbers - Commissioner Lane commented on Discussion Item A-1 Michigan Department of Transportation Contract No. 22-5337. Ms. Lane asked about the numbers that were contained on the contract stating that they were not part of the motion. Eric Johnston answered that just like the Road Commission; the Michigan Department of Transportation MDOT has their own project numbers that are used internally by MDOT.

Employee Acknowledgement – Commissioner Lane wanted to acknowledge GCRC employee Mr. Derek Ross for his kindness and patience shown to a Genesee County resident.

Closed Sessions – Commissioner Mandelaris asked if we could be more transparent and place names on the closed sessions in the agenda. Attorney Cascini stated that we can add names to two of the sessions, but one of the closed sessions should remain as it is worded on the agenda because it is an internal complaint versus an EEOC complaint.

Attorney Cascini stated when we have an employee complaint his overall preference is to not mention an employee's name on the agenda or in the minutes. However, if it is an EEOC charge, it can be mentioned.

Chairperson Elkins asked for a motion to go out of open session and enter into closed session to discuss an employee complaint.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to go out of open session and enter into closed session to discuss a privileged written legal opinion pursuant to MCL 15-268 (1) (h) concerning an external investigation regarding workplace conditions. (Pursuant to MCL 268 (1) (a)).

VOTE ON MOTION

Yes: Elkins, Lane, Mandelaris, Dickerson
No: None

MOTION CARRIED

At 10:37 a.m., the board entered into closed session.

At 11:21 a.m., the Board reconvened into open session to continue its regular order of business.

Chairperson Elkins asked the members and staff if they would like to take a break.

At 11:22 a.m., the Board took a 5 minutes recess.

At 11:27 a.m., the board reconvened into open session.

Chairperson Elkins asked for a motion to go into closed session.

ACTION TAKEN - Motion by Ms. Lane, seconded by Mr. Dickerson, to enter into Closed Session to discuss a privileged written legal opinion, (pursuant to MCL 15.268(1)(h)), concerning pending litigation in Federal Court in the Eastern District Court Docket No. 4:21-CV-12568, Poplar v GCRC, and to consult with legal counsel regarding trial or settlement strategy in specific pending litigation pursuant to MCL 15.268(1)(e) for which discussion in an open meeting would have a detrimental financial effect on the litigating or settlement position of the Road Commission.

VOTE ON MOTION

Yes: Dickerson, Elkins, Lane, Mandelaris
No: None

MOTION CARRIED

At 11:28 a.m. the board entered into closed session.

At 12:26 p.m., the board reconvened into open session to continue its regular order of business.

Chairperson Elkins asked for a motion to appoint a representative at the settlement conference

to be held on Thursday, August 04, 2022.

ACTION TAKEN - Motion by Mr. Dickerson, seconded by Mr. Mandelaris, to appoint Chairperson Timothy Elkins as the representative at the Thursday, August 4, 2022 settlement conference, (Poplar v GCRC) and have him convey the Board's opinion regarding settlement as discussed and agreed upon in closed session.

VOTE ON MOTION

Yes: Lane, Elkins, Mandelaris, Dickerson
No: None

MOTION CARRIED.

Chairperson Elkins asked for a motion to go into closed session.

ACTION TAKEN - Motion by Mr. Mandelaris, seconded by Ms. Lane, to go into closed session to discuss a privileged written legal opinion, Stephanie Jaeger v GCRC, (pursuant to, MCL 15.268(1)(h)) concerning pending EEOC charge No. 23A-2021-00113.

VOTE ON MOTION

Yes: Dickerson, Elkins, Lane, Mandelaris
No: None

MOTION CARRIED.

At 12:30 p.m., the board entered into closed session.

At 1:06 p.m., the board reconvened into open session to continue its regular order of business.

ACTION TAKEN - Motion by Ms. Lane, seconded by Mr. Dickerson, to follow Attorney Cascini's recommendation regarding the pending EEOC charge No. 23A-2021-00113, Stephanie Jaeger v GCRC.

VOTE ON MOTION

Yes: Lane, Mandelaris, Dickerson, Elkins
No: None

MOTION CARRIED.

Managing Director Peivandi reminded the Board of the upcoming County Road Association Northern Conference being held on September 14 – 16th in Traverse City and to let staff know if they would like to attend.

ADJOURNMENT

Chairperson Elkins, without objection, adjourned the meeting at 1:09 p.m.

JOHN J. GLEASON
Clerk/Register

Linda B. Kossak, Secretary of the
Board of County Road Commissioners
/lbk 08/02/22