

**GENESEE COUNTY ROAD COMMISSION**

**BOARD MEETING**

**OCTOBER 2, 2023**

**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 Street, Flint, Michigan 48503-3995.

**ROLL CALL**

Present: Tim Elkins, Chairperson  
Cathy Lane, Vice Chairperson  
Reggie Smith, Commissioner  
Joe Massey, Commissioner  
Chris Gehringer, Commissioner

Others Present: Randy Dellaposta, Eric Johnston, Kylie Dontje, Kendra Love-Brezzell, Genesee County Road Commission Staff; Bill Henn (Henn Lesperance PLC), Donna Arden, Secretary of the Board of Road Commissioners

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chairperson Elkins.

**APPROVAL OF AGENDA**

October 2, 2023 – Agenda

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Gehringer, to approve the amended agenda for October 2, 2023 which included the addition of item B. 4. under Consent (Deputy Managing Director Employment Agreement for Eric Johnston, P.E.).

**VOTE ON MOTION:**

Yes: Gehringer, Smith, Elkins, Lane, Massey  
No: None

**MOTION CARRIED.**

**APPROVAL OF MINUTES**

September 11, 2023 Board Meeting

Commissioner Smith would like to postpone approval of the September 11, 2023 Board minutes so an outside attorney can review them. Attorney Henn commented that regardless of the outcome of the outside opinion, it would not change the minutes, in his opinion. Attorney Henn also added that the minutes are just a reflection of what happened at that meeting. Commissioner Massey has concern regarding the meeting not being called to order. Commissioner Smith commented that he would like Attorney Henn to review and give his opinion on the meeting and minutes to make sure they did comply with the Open Meetings Act.

Attorney Henn reiterated that he is going to review the procedure that the board used to set up and start the meeting of September 11, 2023 to see whether or not it complied with the Open Meetings Act. Commissioner Massey added he would like to make sure that the meeting also followed Roberts Rule of Meetings. Commissioner Gehringer added that in his opinion the Board did do everything possible in making sure the Open Meetings Act was followed during this meeting.

Attorney Henn also added that a motion and a vote would be needed to postpone the approval of the minutes until the next regular meeting.

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Gehringer to postpone the approval of the minutes until the next regular meeting to allow Attorney Henn time to review the meeting of September 11, 2023 and decide if it complied with the Open Meetings Act.

**VOTE ON MOTION:**

Yes: Smith, Elkins, Lane, Massey, Gehringer  
No: None

**MOTION CARRIED.**

**MEETINGS, PRESENTATIONS, HEARINGS, AND INFORMATION**

Tuesday, July 18, 2023

9:00 a.m. – Roads & Bridges Advisory Committee Meeting

10:00 a.m. – Board Meeting

**PUBLIC ADDRESS THE BOARD**

None.

**CORRESPONDENCE**

**INCOMING**

None.

**OUTGOING**

None.

**INTERNAL**

None.

**INFORMATION**

None.

**BOARD OF ROAD COMMISSIONERS’ DECISIONS**

**DISCUSSION**

Local Road Agreement for Timberline Court, Drainage Improvements, Grand Blanc Charter Township - In a memorandum dated September 25, 2023, staff requested the Board approve the local road agreement for drainage improvements near 9216 & 9218 Timberline Court.

Grand Blanc Charter Township	\$ 31,000.00
GCRC (Grand Blanc Township Allocation)	\$ 31,000.00
Total Project Cost	\$ 62,000.00

(Copy of memorandum filed with official minutes.)

Commissioner Lane asked if this is a drainage issue causing the road to flood, why isn’t the Drain Commission responsible for correcting the issue. Director Johnston replied that this is an outlet for a storm sewer basin that was constructed as part of the roadway network in this subdivision which makes it under Road Commission jurisdiction. Commissioner Massey asked, when looking at road repairs, is the drainage also considered. Mr. Johnston replied that it is also look at.

**ACTION TAKEN** – Motion by Mr. Gehringer, seconded by Ms. Lane, to approve the local road agreement for drainage improvements near 9216 & 9218 Timberline Court, and further, authorize the Chairperson and Vice Chairperson to sign the construction agreement on behalf of the Board of County Road Commissioners. Funds are available in Department 20.

VOTE ON MOTION:

Yes: Elkins, Lane, Massey, Gehringer, Smith  
No: None

**MOTION CARRIED.**

Contract Modification #2 Approval for Gibson Road Drainage Project, Addition of Timberline Court Storm Sewer Repairs, Grand Blanc Township – In a memorandum dated September 25, 2023, staff requested the Board approve the contract modification #2 for the Gibson Road Project, authorizing an increase to the contract in the amount of \$48,182.00 for storm sewer repairs to Timberline Court, Grand Blanc Township.

(Copy of memorandum filed with official minutes.)

Commissioner Lane asked if the Township would be responsible for any of the \$48,182.00. Mr. Johnston replied that this amount is added to the Gibson Road project and it will be a cost share with Grand Blanc Township.

Commissioner Massey asked when does the Road Commission decide what projects are going to take place during construction season. Managing Director Dellaposta replied that for next year the list is currently being planned, most projects are developed three to five years in advance in regards to acquiring funding, grants, designing and planning. Mr. Dellaposta added that emergency situations are different and handled accordingly.

Commissioner Gehringer asked if the Road Commission had talked to Diamond Excavating (contractor for the project) regarding the additional costs associated with adding Timberline Court. Mr. Johnston replied that the contractor has agreed to hold their prices for the addition of Timberline Court Sewer System Repairs.

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Smith, to approve the amended memorandum which show a 50/50 cost share with Grand Blanc Township in the contract modification #2. Funds are available in Department 91.

**VOTE ON MOTION:**

Yes: Lane, Massey, Gehringer, Smith, Elkins  
No: None

**MOTION CARRIED.**

Bid Results and Award of Contract for Willard Road Culvert over Gibbs Drain in Forest Township – In a memorandum dated September 25, 2023, staff requested the Board approve the low bid from Zito Construction for the Willard Road culvert over Gibbs Drain in Forest Township, and sign the construction contract after staff has received and accepted the contract, bonds, and insurance submitted by Zito Construction.

(Copy filed with official minutes)

Commissioner Gehringer asked if a box culvert was being used on this project and is this the reason a large amount of concrete is needed. Mr. Johnston replied a corrugated metal pipe culvert will be utilized on this project and the large amount of concrete is needed for the headwalls that will be needed on this project.

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Gehringer, to approve the amended memorandum showing the 50/50 cost share with Forest Township with the low bid of \$287,964.41 from Zito Construction for the Willard Road culvert over Gibbs Drain in Forest Township. Funds are available in Department 91.

VOTE ON MOTION:

Yes: Massey, Gehringer, Smith, Elkins, Lane  
No: None

**MOTION CARRIED.**

Selection of Consultant for Design Services, FY 2023/2024 Federal/State/Local Funded Road Design Projects, Genesee County – In a memorandum dated September 25, 2023, staff requested the Board approve assignment of OHM Advisors and Rowe Professional Services for the proposed FY 2023/2024 funded road design projects, and furthermore; it authorizes the Chairperson to sign the Consultant Agreements on behalf of the Board of County Road Commissioners when returned.

(Copy filed with official minutes)

Commissioner Lane asked to have the consultant names added to the motion.

**ACTION TAKEN** – Motion by Mr. Gehringer, seconded by Ms. Lane, to approve the amended memorandum, to include the Consultants (OHM Advisors and Rowe Professional Services). Funds are available in Department 91.

VOTE ON MOTION:

Yes: Gehringer, Smith, Elkins, Lane, Massey  
No: None

**MOTION CARRIED.**

Approval of Consultant for Construction Staking, Hills of Kings Pointe Roadway Rehabilitation, Grand Blanc Township – In a memorandum dated September 25, 2023, staff requested the Board approve the issuance of a blanket purchase order to Fleis & VandenBrink for construction staking, Hills of Kings Pointe roadway rehabilitation project in Grand Blanc Township.

(Copy filed with official minutes)

**ACTION TAKEN** – Motion by Mr. Gehringer, seconded by Mr. Smith, to approve the issuance of a blanket purchase order to Fleis & VandenBrink for construction staking in an amount of

\$39,634.22 for the Hills of Kings Pointe Roadway Rehabilitation project. Funds are available in Department 91.

**VOTE ON MOTION:**

Yes: Smith, Elkins, Lane, Massey, Gehringer  
No: None

**MOTION CARRIED.**

Approval of Consultant for Construction Inspection, Hills of Kings Pointe Roadway Rehabilitation, Grand Blanc Charter Township – In a memorandum dated September 25, 2023, staff requested approval of OHM Advisors as Consultant for the construction inspection, Hills of Kings Pointe Roadway Rehabilitation Project, Grand Blanc Charter Township.

(Copy filed with official minutes)

**ACTION TAKEN** – Motion by Mr. Gehringer, seconded by Mr. Smith, to approve the issuance of a blanket purchase order to OHM Advisors for construction inspection in an amount of \$71,341.60 for the Hills of Kings Pointe Roadway Rehabilitation Project, Grand Blanc Charter Township. Funds are available in Department 91.

**VOTE ON MOTION:**

Yes: Elkins, Lane, Massey, Gehringer, Smith  
No: None

**MOTION CARRIED.**

Approval of Consultant for Construction Staking, Bristol Road (Irish Road to Lang Road) Rehabilitation, Davison Township – In a memorandum dated September 25, 2023, staff requested the Board approve the issuance of a blanket purchase order to OHM Advisors for construction staking in the amount of \$33,011.83 for the Bristol Road (Irish Road to Lang Road) Rehabilitation project, Davison Township.

(Copy filed with official minutes)

Commissioner Lane asked if this project would be started now or will the contractor wait until spring. Mr. Johnston replied that the project will start this week, with the restoration portion carrying over into next year (turf establishment).

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Gehringer, to approve the issuance of a blanket purchase order in the amount of \$33,011.83 to OHM Advisors for construction staking for Bristol Road (Irish Road to Lang Road) Rehabilitation project. Funds are available in Department 91.

**VOTE ON MOTION:**

Yes: Lane, Massey, Gehringer, Smith, Elkins

No: None

**MOTION CARRIED.**

Board Approval of a Blanket Purchase Order for Carcass Removal Services – In a memorandum dated September 20, 2023, staff requested the Board approve the issuance of a blanket purchase order to Respectful Removal for carcass removal on an as needed basis in an amount of \$40,000.00.

<u>Description</u>	<u>Cost Per Each Removal</u>
Monday-Friday, during regular business hours	\$190.00
Emergency Call-In	\$250.00
Charge for arrival that resulted in no removal	\$ 75.00

(Copy filed with official minutes)

Commissioner Lane asked how many bidders bid on this item and were any of them from Genesee County. Managing Director Dellaposta replied that there were three bidders with one of them being from Genesee County (Diamond Excavating).

Commissioner Gehringer asked where Respectful Removal would be taking the carcasses. Mr. Dellaposta replied that they would be taking them to Eagle Valley Landfill in Lake Orion. The only location in Genesee County that accepts carcasses is Brent Run Landfill in Montrose.

Commissioner Smith asked if the \$190 include if they pick up more than one at the same time. Mr. Dellaposta stated that it is \$190 per call and it would be extremely rare for two carcasses to be in one location. He also added that their employees are in protective gear since they are dealing with a carcass with potential for disease. In rural areas the carcass will be moved out of the roadway by Road Commission staff.

Commissioner Smith asked if the animal is hit and the carcass ends up outside of the right of way, is the Road Commission responsible for disposal of the carcass. Mr. Dellaposta replied, no the Road Commission does not remove carcasses from outside of right of ways.

Commissioner Massey asked what would be the health requirement for removing these carcasses. Mr. Dellaposta replied that the company will be suited with protective gear which is another reason, along with funding that the Road Commission is contracting this to an outside company. He also added if our employees are moving carcasses, they too should be wearing protective gear. Commissioner Massey added that there should be something in writing to let the employees know they should be wearing protective gear when dealing with carcasses. Attorney Henn added that there is liability in removing and disposing of a carcass in a way as to not violate State of Michigan environmental laws. Attorney Henn added with having an outside company, they have to comply with all of the regulations associated with removing/disposing of carcasses and this also removes the health concerns associated with this type of work from the Road Commission.

**ACTION TAKEN** – Motion by Mr. Gehringer, seconded by Mr. Smith, to approve the issuance of a blanket purchase order to Respectful Removal in the amount of \$40,000.00 for carcass removal on an as needed basis. Funds are available in Department 20.

VOTE ON MOTION:

Yes: Massey, Gehringer, Smith, Elkins, Lane  
No: None

**MOTION CARRIED.**

**Board Approval of a Blanket Purchase Order for Disposal of Trash Services** – In a memorandum dated September 25, 2023, staff requested the Board approve the issuance of a blanket purchase order to Republic Services Citizens Landfill for disposal of trash on an as needed basis in the amount of \$30,000.00.

Trash	\$18.00 / yard
Dirt/Debris (from catch basin cleaning)	\$18.00 / yard

(Copy filed with official minutes)

Commissioner Smith asked what type of trash is this and where is it coming from. Mr. Dellaposta replied that this trash comes from our sweeping operations on primary and state roadways. The trash is brought back to the Road Commission and dried before being loaded into a dump truck and taken to Republic Services to be dumped. The same process is done for dirt/debris collected from the cleaning of catch basins. Director Love-Brezzell added, Republic Services tests the soil/debris before it is loaded and hauled to their facility.

Commissioner Massey asked if the trash is covered before being hauled away. Mr. Dellaposta replied that the dump truck load is covered with a tarp before being transported to the landfill.

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Gehringer, to approve the issuance of a blanket purchase order for disposal of trash on an as needed basis to Republic Services Citizens Landfill in an amount of \$30,000.00. Funds are available in Department 20.

VOTE ON MOTION:

Yes: Gehringer, Smith, Elkins, Lane, Massey  
No: None

**MOTION CARRIED.**

**Board Approval for the Fleet Maintenance Building Roof Repair** – In a memorandum dated September 14, 2023, staff requested the Board approve the issuance of purchase orders to Mid-Michigan Roofing in the amount of \$12,401.00 and to Garland DBS Inc. in an amount of \$109,742.311.



Mid-Michigan Roofing – Low Bidder			
Section B	Non-Roofing Materials & Labor		\$ 38,790.00
Section D, E, G thru L	Non-Roofing Materials & Labor		\$ 81,611.00
			<u>\$120,401.00</u>
Garland DBS Inc.			
Section B	Cold Applied Roofing Materials		\$ 31,130.36
Section D, E, G thru L	Cold Applied Roofing Materials		\$ 78,611.75
			<u>\$109,742.11</u>
		Total Project Cost	\$230,143.11

(Copy filed with official minutes)

Commissioner Massey asked how staff determines the low bidder on an item. Ms. Love-Brezzell replied that they look at the dollar amounts as well as if the potential vendor meets all of the requirements that were in the bid. Mr. Dellaposta added that most of the time the vendor does have a positive track record in regards to cost, service and deliverables in the maintenance and fleet departments. The engineering department has the same three items to consider along with the potential contractor meeting MDOT qualifications, if the specific job requires it. Commissioner Gehringer added the low bidder is the lowest dollar amount and after that the other factors are considered which may mean not taking the lowest bid for specific reasons.

**ACTION TAKEN** – Motion by Mr. Gehringer, seconded by Ms. Lane, to approve the issuance of purchase orders to Mid-Michigan Roofing (\$120,401.00) and Garland DBS Inc (\$109,742.11). Funds are available Department 30.

VOTE ON MOTION:

Yes: Smith, Elkins, Lane, Massey, Gehringer  
 No: None

**MOTION CARRIED.**

Ratification of Vouchers Nos. 40961, 40962, 40963, 40964 and 40965 totaling \$3,319,511.76 -  
 (Copies filed with official minutes.)

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Massey, to ratify the following Vouchers totaling \$3,319,511.76:

Voucher #40961 in the amount of \$525,483.55  
 Voucher #40962 in the amount of \$441,772.26  
 Voucher #40963 in the amount of \$1,373,478.42  
 Voucher #40964 in the amount of \$608,306.98  
 Voucher #40965 in the amount of \$370,470.55

VOTE ON MOTION:

Yes: Elkins, Lane, Massey, Gehringer, Smith

No: None

**MOTION CARRIED.**

**CONSENT**

Removal of Equipment Item Nos. 2148 and 2133 from the Government Internet Auction – In a memorandum dated September 21, 2023, staff requested the Board authorize the removal of equipment #2133 and #2148 from the Government Internet auction that was previously approved to be auctioned March 7, 2023 due to no bids three times.

Equip#/Asset Tag	Description
#2148	2015 KMI Tack Tank-No Meter
#2133	2015 KMI Tack Tank-No Meter

(Copy filed with official minutes)

Commissioner Massey asked how long is the Road Commission required to keep records of removed equipment. Mr. Dellaposta replied it is between 7 to 10 years. Commissioner Smith asked what the equipment is used for. Ms. Love-Brezzell replied that it is an attachment to the hot patchers that hold tack which can be used with the hot patch if needed.

Commissioner Massey asked if all equipment is tagged with equipment numbers or asset tags. Mr. Dellaposta replied that all Road Commission assets have either an asset tag or an equipment number.

**ACTION TAKEN** – Motion by Mr. Gehringer, seconded by Mr. Massey, to authorized the removal of equipment #2133 and #2148 from the Government Internet auction that was previously approved to be auctioned March 7, 2023 due to no bids three times.

**VOTE ON MOTION:**

Yes: Lane, Massey, Gehringer, Smith, Elkins  
No: None

**MOTION CARRIED.**

Removal of Equipment Item Nos. 2148 and 2133 from all Genesee County Road Commission Records – In a memorandum dated September 21, 2023, staff requested the Board approve the removal and disposal of unrepairable equipment from all Genesee County Road Commission records.

Equipment #	Description	Reason
2148	2015 KMI Tack Tank-No Meter	Unrepairable
2133	2015 KMI Tack Tank-No Meter	Unrepairable

(Copy filed with official minutes)

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Gehringer, to approve the removal and disposal of unrepairable equipment from all Genesee County Road Commission records.

VOTE ON MOTION:

Yes: Gehringer, Smith, Elkins, Lane, Massey  
No: None

**MOTION CARRIED.**

Work Request for Clayton Township – In a memorandum dated September 27, 2023, staff requested the Board approve the work request for Gravel Resurfacing on Bristol Road from Sheridan Road to Duffield Road in Clayton Township and furthermore it authorizes the Chairperson to sign the estimate on behalf of the Board of County Road Commissioners. The total cost of the project will be \$24,264.65 and paid 100% by Clayton Township.

(Copy filed with official minutes)

Commission Gehringer asked the reason for this project this late in the season. Mr. Johnston replied that Clayton Township is trying to utilize their CBDG funds.

**ACTION TAKEN** – Motion by Mr. Massey, seconded by Mr. Gehringer, to approve the gravel resurfacing work requested by Clayton Township and authorizes the Chairperson to sign the estimate on behalf of the Board of County Road Commissioners. Gravel resurfacing work will be done on Bristol Road from Sheridan Road to Duffield Road. The total cost of this project will be \$24,264.65 and paid 100% by Clayton Township.

VOTE ON MOTION:

Yes: Massey, Gehringer, Smith, Elkins, Lane  
No: None

**MOTION CARRIED.**

Deputy Managing Director Employment Agreement for Eric Johnston, P.E. – In memorandums dated October 2, 2023, staff requested the Board approve the employment agreement for Deputy Managing Director, Mr. Eric Johnston, P.E.

(Copy filed with official minutes)

Commissioner Massey asked if there would be yearly merit increases with the five-year contract. Mr. Dellaposta replied that this is the same contract as what was in the previous board packet. Chairperson Elkins added that the contract was approved at the last board meeting and this is just to authorize the Chairperson, Vice Chairperson and Managing Director to sign the contract. Mr. Dellaposta also added that increases would be based on evaluations conducted annually. Commissioner Massey was concerned with the wage offered. Mr. Dellaposta stated that the wage was a fair offer agreed upon by both the Managing Director and Mr. Johnston.

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Gehringer, to approve the employment agreement for Deputy Managing Director, Mr. Eric Johnston, P.E.

**VOTE ON MOTION:**

Yes: Lane, Smith, Massey, Gehringer, Elkins  
No: None

**MOTION CARRIED.**

**MANAGING DIRECTOR REPORT**

Employee Training Day (formally Safety Day) will be held this year on October 26, 2023 from 7:00 a.m. to 3:30 p.m. at the Genesys Health Park Conference Center.

Currently all of the Road Commission is working 4/10-hour weekly shifts, on November 6 we will return to 5/8-hour weekly shifts.

October 22-23 is the Commissioner’s Seminar, information will be forwarded to the Commissioner’s from the Administration Executive Assistant.

49<sup>th</sup> Annual Superintendent’s of Michigan Conference will be attended this year by Managing Director Dellaposta, Director Love-Brezzell, and Safety Coordinator Ivey from October 4-6.

**COMMISSIONERS’ CONCERNS**

Commissioner Massey requested an accomplishment report from each of the Directors.

Commissioner Lane read a statement to the Board and those present at the Board meeting;

At the Road Commission’s Special Meeting on September 26, 2023, every individual interested in making a public comment was allowed to speak. On behalf of the Road Commission Board and staff, I am extending an apology to each and every individual present at that meeting, especially the women and ministers for the foul and vulgar language spewed by one individual. Vulgar language has never been acceptable in our homes and should not be allowed in any public meeting. Its sole objective is to degrade everyone. It does not convey any useful information in our endeavor to improve relations between the Board, staff, and the public. I am requesting the Board amend its standards for public comments to require all statements must be made in a respectful professional manner.

Commissioner Smith stated he has found Attorney Melvin McWilliams from Lansing to provide a second opinion on relating to the September 19 Board meeting vote to rescind the Managing Director appointment of Mr. Randall Dellaposta. Chairperson Elkins replied that both him and Commissioner Smith are to work together to find an appropriate attorney to review the issue at hand. He added he was still forming a list of potential attorneys and the two of them would discuss this issue further after the regular Board meeting.

## **ADJOURNMENT**

Chairperson Elkins, without objection, adjourned the meeting at 11:32 a.m.

DOMONIQUE CLEMONS  
Clerk/Register

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Donna Arden, Secretary of the  
Board of County Road Commissioners

/da

10/2/2023