

Van Buren County Board of Road Commissioners

January 21, 2016

Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 21st day of January, 2016 at 7:00 PM, E.D.T., the Board of County Road Commissioners for the County of Van Buren met in regular session in the offices in Lawrence, Michigan.

PRESENT: Road Commissioners Askew, Boze, Kinney, Ray, and Svilpe
Engineer-Manager Lawrence B. Hummel, P.E.
Accountant Gregory M. Pardike
Traffic Services Technician Craig Ericksen

GUESTS: John Vargo
Daniel Ruzick, Antwerp Township Supervisor
Ken C. Smith
Adam Potgiesser

Chairman Askew called the meeting to order at 7:00 PM.

No additions/deletions to the Agenda.

Motion by Ray, seconded by Boze to approve the Agenda.

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Boze and seconded by Kinney to approve the minutes of the December 17, 2015 Budget Workshop-Special Meeting as presented by Board Secretary Pardike.

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Boze, seconded by Kinney to approve the minutes of the January 7, 2016 regular meeting of the Board as presented by Board Secretary Pardike.

AYES: 5
NAYS: 0
MOTION CARRIED.

The Chairman opened the meeting to public comment. Dan Ruzick, Antwerp Township Supervisor, discussed the Board's policy on primary millage balances. He specifically discussed the CR652 Federal Aid Project and states that he is still dealing with issues from this project. He played a saved voicemail message he received from Engineer-Manager Hummel regarding issues of Mr. Ken Smith, outstanding issues, etc. Feels that Hummel "promised" in the voicemail to "handle" the issues in question. Commissioner Askew asked where this is going? Antwerp Board continues to hear from the Smiths as to restoration of slope in front of the house. The Board received a letter from Hummel that the case was closed, and the Smiths would like the Board to reconsider. Deferred to Ken Smith.

Ken Smith, resident of 71571 CR652, Antwerp Township, explained that a rock retaining wall was there prior to the project taking place, and he feels that there was no reason to remove it. He moved on to describe an option for landscape restoration.

Adam Potgiesser, a property owner on CR652, wanted to verify that Mr. Smith's concerns appear to be valid. He also has concerns over the paving of only the edges of the road and not the middle. After the paving, the County came along to spread patch material, then camouflaged with tar and chip. He feels that the entire stretch is an "accident waiting to happen" and that this Board would be liable for its condition.

Chairman Askew indicated that the Board would take the comments under advisement and thanked them for their input.

The Board Secretary-Accountant provided a review of the budget which showed typical

January expenditures. The Road Commission has expended approximately \$300,000 for snow and ice control. Activity in receivables from Townships for year-end balances. All bills are in through today's date. Waiting for February MTF check to finalize our 2015 year. Once we have received, staff will close out the year and prepare for the audit. Township contributions will be slightly higher, approximately \$3.3 million, for 2015.

Moved by Ray, seconded by Boze to approve the following Road Commission Vouchers:

Voucher #1891	\$103,704.78
Voucher #1892	\$167,058.35

AYES: 5
NAYS: 0
MOTION CARRIED.

The Engineer-Manager updated the Board on the award of the Emulsions bid to all bidders, with Asphalt Materials, Inc. as the primary supplier for the 2016 construction season, in the best interest of the Van Buren County Road Commission. Asphalt Materials was not the as-read low bidder; however, contact was made with two local county road commissions (Cass and St. Joseph) that have used Bit-Mat Products' self-professed CM90 equivalent - BM90. This is a new product and it will take time to see if it can be proven in the field. Therefore, the decision was made to wait for at least a couple of more seasons to let the product prove itself.

Pardike provided all present with details regarding a quote for environmental impairment liability from Admiral Insurance Company; specifically for underground storage tank insurance coverage. Motion by Ray, seconded by Boze to authorize acceptance of the quoted coverage for a three-year term beginning February 1, 2016, excluding Terrorism Coverage.

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Svilpe, seconded by Boze to authorize the Engineer-Manager to enter into an agreement with the State of Michigan, Department of Treasury, Local Governmental Financial Services Division for the audit of the year ending December 31, 2015.

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Svilpe, seconded by Ray to amend the Policy on Employee Reimbursement Rates as follows:

Policy No. 2008-02

The Policy on Per Diem Travel Rates is hereby amended to include a reimbursement rate for mobile/cell phone use and is hereby adopted by the Van Buren County Road Commission this 21st day of January, 2016 to become effective immediately:

PER DIEM TRAVEL REIMBURSEMENT RATE

Lodging	\$80.00
Breakfast	\$10.00
Lunch	\$12.00
Dinner	\$18.00
Mileage	\$0.540 (2016)*

*Mileage rate will vary from year to year based upon the Internal Revenue Service Federal Standard Mileage Rate.

Actual expenses must be recorded and turned in to the Accounting Department with supporting receipts.

The above amounts are the maximum amounts that will be allowed for reimbursement. Meals and lodging expenses which are arranged for in advance by the Road Commission wherein the available lodging costs exceed those set forth in the Policy on Per Diem Travel Rates will be considered on an individual case basis.

CELL PHONE/MOBILE PHONE REIMBURSEMENT RATE

A. Employee Provided Cell Phone and Service Plan

An authorized employee who provides his or her own cell phone and their personal service plan for the performance of their job in lieu of a Road Commission supplied phone and plan shall receive reimbursement from the Road Commission as follows:

Authorized Administrative Personnel - \$35.00 per month

Authorized Union Seasonal Crew Leader/Foreman - \$20.00 per month

Authorized employees shall be reimbursed no less than annually. Personal plans must be in effect for more than 16 days in any month to qualify for reimbursement.

In order to receive the allowance, the authorized employee is required to make the personally owned device available for business use as required by their Department or Supervisor. The employee must maintain active cell phone service and agree to carry the cell phone with them and keep it charged and in operational condition. Inappropriate or unlawful use of the cell phone and its services and features is prohibited, and misuse will result in immediate cancellation of the cell phone allowance. In addition, cell phone users must be aware of all laws regarding the use of phones while driving a motor vehicle.

B. Road Commission Provided Cell Phone and Service Plan

An authorized employee who wishes to utilize a Road Commission supplied cell phone and service plan shall reimburse the Road Commission by payroll deduction as follows:

Smartphone	\$30.00 per month
Basic Phone	No Charge

In order to receive the allowance, the authorized employee is required to maintain the Road Commission provided device in an operational condition available for the business of the Road Commission. The employee must agree to carry the cell phone with them and keep it charged and in operational condition. Inappropriate or unlawful use of the cell phone and its services and features is prohibited, and misuse will result in immediate cancellation of the cell phone allowance. In addition, cell phone users must be aware of all laws regarding the use of phones while driving a motor vehicle.

Personal use of a Road Commission supplied cell phone and service plan shall be permitted. At the request of the supervisor, or at employee's separation, the employee must return the Road Commission supplied equipment.

AYES: 5

NAYS: 0

AMENDED POLICY ADOPTED

Motion by Svilpe, seconded by Boze to mark CRA ballot "yes" to amend Article VII of the Constitution and Bylaws to change the name of the Association of Southern Michigan County Road Commissions to the Association of Southern Michigan County Road Agencies.

AYES: 5

NAYS: 0

MOTION CARRIED.

Motion by Svilpe, seconded by Boze to mark the CRA ballot "yes" to establish a Legal Assistance Standing Committee.

AYES: 5

NAYS: 0

MOTION CARRIED.

Discussion was held regarding sale of the Road Commission's 1998 Etnyre Chip Spreader.

Road Commissioner's Township Meeting Attendance Report

From January 7, 2016 to present:

Askew: Bangor Township, asked about CR376 repaving. If all things stand as the Board budgeted, it should be base course paved this season. South Haven Township, requesting additional time to submit road work requests. Covert Township, approved their projects for submittal to Road Commission.

Boze: Lawrence Township, informed them as to status of 51st Avenue closure. Hartford Township, all is good there.

Also reports that there is water coming over road on 24th Avenue approximately 3/4 mi. east of the new bridge. For some reason it is not being contained in the ditchline. Possibly a plugged pipe.

Also a large pothole on 66th Street north of Wood School.

Kinney: Arlington Township, sent in a request via fax today from the Township. Staff has received and will review. Township also requested that some form of detailed accounting be provided for boom mowing. Staff has considered this issue and the process is such that location detail is variable. Staff will look to inform their township liaisons for locations of mowing at the time of work. Staff will review a process for notification via email and/or phone to township. Concern over trees needing to be trimmed or cut. Complaint of not plowing 34th Avenue. They claim that they plow their own road. Staff would supply them with information if they called in. Decatur Township, discussed road problem for 2016. Want to do “a lot” of chip seal. Still discussing an additional 2 mills for road work.

Ray: No meetings.

Svilpe: Antwerp Township, discussion over Ken Smith’s property.

Engineer-Manager Update(s):

- CR653, email message from MDEQ regarding resident’s claim of an “oily odor” and a “soil accumulation on his vehicle from this stretch of road was difficult to wash off”. No findings by MDEQ as to either claim.
- CRA 2016 Highway Conference, March 15-17, 2016, Radisson Hotel Lansing at the Capitol. AIS invitation to dinner.
- Southwestern Road Commission Council meeting, Monday, February 8, 2016 at 12 noon, Berrien County Building.
- MIOSHA CET Facility Review.

Legal Issues:

North Shore Drive, Lake Cora, update regarding easement necessary to certify roadway.

A motion was made by Svilpe and seconded by Ray to adjourn the Call of the Chair at 8:37 PM.

AYES: 5
NAYS: 0
MOTION CARRIED.

Secretary

Chairman