

Van Buren County Board of Road Commissioners

August 19, 2021 Special Session

BE IT REMEMBERED: That on the 19th day of August, 2021 at 5:00 PM, E.D.T., the Board of County Road Commissioners for the County of Van Buren met in special session in person and via teleconference pursuant to the local state of emergency declared by the Van Buren County Board of Commissioners on January 26, 2021 in an effort to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents, as well as the Road Commissioners and Road Commission staff.

PRESENT:

Road Commissioners Askew, Boze, Burleson, Hackenberg and Kinney
Managing Director Dan Bishop
Highway Engineer Barry Anttila
Finance and Human Resources Director Linnea Rader
Operations Director Greg Brucks
Administrative Assistant-Board Secretary Jill Brien

GUESTS PRESENT:

County Commissioner Kurt Doroh
County Commissioner Mike Chappell
Tom Stolz, Stolz Environmental Solutions
Attorney Matt Greenberg, Miller Canfield

Chairman Burleson called the meeting to order at 5:02 PM. Roll call:

Askew: PRESENT - Attending remotely from South Haven Township, Van Buren County, MI.
Boze: PRESENT - Attending in person.
Hackenberg: PRESENT - Attending in person.
Kinney: PRESENT - Attending remotely from the Village of Decatur, Van Buren County, MI.
Burleson: PRESENT - Attending in person.

Chairman Burleson read the Special Rules for Remote Meeting: All participating Road Commissioners can vote by phone; all votes must be roll call with Chairman always voting last. All people should identify themselves before they speak. Any participant or listener may record the meeting.

Motion by Boze seconded by Hackenberg to approve the Agenda.

Roll call vote:

Askew: AYE
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burleson: AYE
MOTION CARRIED.

Managing Director Dan Bishop discussed the challenges of placing a new facility at the current Bangor Garage location, and the purchase of land being sought by the Van Buren County Road Commission. A survey has been satisfactorily completed, and an environmental study has also been performed. Tom Stolz, of Stolz Environmental Solutions, explained the findings of the environmental study specifically with regard to the presence of arsenic, which is not uncommon to find on property where orchard operations took place. Mr. Stolz explained arsenic levels present were above EGLE residential drinking water criteria, and above residential direct contact criteria. If the Road Commission desires to continue the property purchase, any well installed will need to be checked. Additionally, soil moved for footings, etc. will have to either stay on site, be moved to a Type II landfill, or be re-tested. Questions were asked by the Board regarding long-term ramifications which were responded to by Stolz. Additional discussion was held regarding options for the providing of drinking water.

Attorney Matt Greenberg, of Miller Canfield, discussed filings which would be required following the purchase which provide liability protection to the Road Commission. Attorney Greenberg also discussed Road Commission due care obligations, and disclosure obligations. Additional follow-up questions were asked by the Board, which were responded to by Attorney Greenberg and Tom Stolz.

Motion by Boze, seconded by Hackenberg to proceed with the purchase of land, and to authorize the Managing Director, Dan Bishop, to sign the purchase documents on behalf of the Van Buren County Road Commission.

Roll call vote:

Askew: AYE
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burleson: AYE
MOTION CARRIED.

It was noted that a closing has been tentatively scheduled for August 31st.

Commissioner Boze made a Special Request for Per Diem for his attendance at an on-site meeting on Christie Lake on July 22nd which lasted approximately 2½ hours. Motion by Hackenberg, seconded by Burleson to approve the Special Request for Per Diem.

Roll call vote:

Askew: AYE
Boze: ABSTAIN
Hackenberg: AYE
Kinney: AYE
Burleson: AYE
MOTION CARRIED.

Chairman Burleson opened the meeting to Public Comment. None was received.

Motion by Hackenberg, seconded by Boze to adjourn the Call of the Chair at 5:30 PM.

Roll call vote:

Askew: AYE
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burleson: AYE
MOTION CARRIED.

Board Secretary

Board Chairman