

Van Buren County Board of Road Commissioners

October 11, 2023 - Regular Meeting

BE IT REMEMBERED: That on the 11th day of October, 2023 at 5:00 PM, E.D.T., the Board of County Road Commissioners for the County of Van Buren met in regular session at the Road Commission Administrative Office in Lawrence, Michigan.

PRESENT:

Road Commissioners Askew (arrived at 5:44 PM), Boze, Burleson and Nelson
Managing Director Bret Witkowski
Highway Engineer Barry Anttila
Operations Director Greg Brucks (remote)
Administrative Assistant-Board Secretary Jill Brien

ABSENT:

Road Commissioner Kinney (Excused)

GUESTS PRESENT:

Randy Moser
Robin Moser
Josh Przygocki, Senator Aric Nesbitt's office
Mike Chappell, County Commissioner
Kurt Doroh, County Commissioner

Chairman Nelson called the meeting to order at 5:00 PM.

The Pledge of Allegiance was recited.

Chair Nelson requested that the Board allow some flexibility in the order of the Agenda due to the impending arrival of Robin Moser, which the Board allowed.

Motion by Boze seconded by Burleson to approve the Agenda.

YES: 3
NO: 0
ABSENT: 2
MOTION CARRIED.

Motion by Boze, seconded by Burleson to approve the Minutes of the September 13, 2023 Regular Meeting as presented by the Board Secretary.

YES: 3
NO: 0
ABSENT: 2
MOTION CARRIED.

The Chairman opened the meeting to first public comment. Josh Przygocki, Constituent Relations and District Director for Senator Aric Nesbitt's Office commented that the Road Commission was doing a great job, and that Red Arrow Highway looks great.

Department Updates were provided as follows:

Finance and HR Department was provided by Managing Director Witkowski as follows:

- We hosted open interviews on September 26 and had a great turn out. We had so many people attend that Greg and I had to interview each person individually to keep the evening going. Not only did we have a great turn out, but we also had quality candidates.
- We also held scheduled interviews October 3 and 4.
- Following all of the interviews we have made conditional offers of employment to three individuals. We are working to schedule a second interview with a candidate for the Right-of-Way Superintendent position.

- The draft 2024 budget is attached. If you have any questions, please let me know. There is no action required as we will hold the budget hearing in December. This is just to ensure you have time to review it.
- In September the Defense Attorney for Logan Brown filed to get the charges against his client dismissed and have the trial delayed. The Judge did NOT dismiss the charges, but did allow for the trial to be rescheduled. The trial is now scheduled to begin January 30 at 9am.
- The Operating Budget is attached. This is run as of 10/5/2023 as noted.

Chair Nelson stated that it was with great pleasure that the Road Commission recognized Randy Moser for 44 years of service. Randy was also presented with a 40-year service award.

Josh Przygocki of Senator Nesbitt's also presented Randy with a Tributary Resolution signed by Governor Whitmer, State Senator Nesbitt and State Representative Wendzel. Josh thanked Randy for his years of service for the Van Buren County Road Commission and the motoring public. The Board, staff, and audience recognized Randy's dedication to the organization with a round of applause.

Operations Department was provided by Managing Director Witkowski as follows:

- Its basically been all hands on deck with fog seal.
- A third wide cutting of roadside mowing began on the primaries in Lawrence on Thursday (10/5).
- All the shops were cleaned and good progress has been made hanging wings back on trucks in preparation for plowing.
- After Friday (10/6) we will have roughly 88,000 gallons of fog seal to spray of the original 246,000 gallons - all of which will be laid down in 16-17 days, which is impressive. Our staff rocks.

Engineering Department was provided by Highway Engineer Anttila as follows:

- CR 689 in South Haven Township: Work continues with trenching and widening. Crushing should start on Tuesday Oct, 10th.
- CR 388 in Pine Grove Township: Work continues. Trenching and widening has been completed, crushing has been completed, pipe work has been completed. Working on grading and shaping.
- 80th Ave Porter Township: Dirt work has been completed. Contractor hopes to base pave next week and pave the top course the following week, along with shoulder gravel.
- 30th Street Almena Township: Paving and shoulders have been completed. Final restoration work should be done next week. Guardrail should be next week and paint will be shortly after.

Witkowski gave kudos to Anttila for being on-site while road projects are taking place to deal with residents and contractors.

Managing Director Witkowski reported as follows:

1. I continue to meet with townships as needed and requested; I had a meeting at Covert Township on October 9th.
2. Last month, we met with Antwerp Township about Antwerp providing 5 acres, possibly building a 40x60 facility for storing material and a front-end loader. It was explained that VBCRC only has no funds to invest in facilities other than what we have now. Antwerp understood where the VBCRC is and will take it to their board to discuss to see if they are willing to pay for everything. If this moved forward, we would no longer have material placed at the Porter pit but at the location in Antwerp and possibly the front-end loader.
3. I took Greg and Bobby Drake to the possible location and received their input on entrance and exit. The facility would not be a garage and would not be staffed. Once the Antwerp board has their meeting and puts into writing their offer, I can bring you as a board to consider.
4. The roof bids we received were incomplete and were therefore rejected, in the best interest of the Road Commission. We have re-let the bid and will have a recommendation for the board at the November meeting.

5. As we move to the last quarter of 2023 and look forward to 2024, one area to consider is possible salary increases.

The board could consider using additional criteria when determining salaries for the following year.

1. You already use it.
 1. Midwest CPI
 2. Social Security increase %
 3. Percentage of change in funding from the Michigan Transportation Fund.
 1. I suggest adding the following because they have such an impact on our budget.
 4. Taxable increase % for townships in Van Buren County
2. Currently, Midwest CPI is 3.4% through August, Social Security looks like 3.2%, Michigan Transportation fund is 4.63%, and taxable increase is 6.2% for an overall of 4.36% for 2024.
3. Commissioner Kinney suggested looking at taxable value for milage and Transportation funding; if we did those two, it would be 5.42%
4. If we did a weighted average based on actual income from the two funds Transportation Fund is 81% of revenue and taxes is 19%, the increase would be 5.91%
5. Currently, the union contract calls for a minimum 2% increase, so the board may want to consider a range of 4% to 2% for future salary increases.
6. The superintendent's conference was October 4-6, and the Commissioner's is October 22-23.
7. We have replaced the lights in the VBCRC Lawrence garage.

A discussion was also held regarding the pending completion of fog seal, and the preparation by staff for winter operations. Witkowski expressed his appreciation for the hard work of the Assistant to the Operations Department, Kris Longcore, in putting together the detailed booklet of plow route maps.

Review of Vouchers:

Voucher #2327	\$	427,101.45	Accounts Payable
Voucher #2328	\$	163,462.65	Payroll
Voucher #2329	\$	1,979,906.37	Accounts Payable
Voucher #2330	\$	164,667.02	Payroll
TOTAL	\$	2,735,137.49	

Motion by Burleson, seconded by Nelson to approve the Vouchers totaling \$2,735,137.49.

YES: 3
 NO: 0
 ABSENT: 2
 MOTION CARRIED.

Motion by Boze, seconded by Burleson to approve revisions to Policy 2022-01, Projects Funded by Townships, as recommended by the Managing Director:

Projects Funded by Townships

Policy No. 2022-01

Overview

Due to limited funding, road work that is requested which is not included in the Van Buren County Road Commission's ("Road Commission") budget is often funded by the townships, such as sealcoat, fog seal, gravel road improvement projects, and paved road improvement projects. The Road Commission and the Township Partners have worked together for decades to provide additional road projects with funding from the township level. This partnership between the Road Commission and the townships is built from necessity to best serve the public of Van Buren County, and is greatly appreciated by the Road Commission and the motoring public.

1. **Project Billing**

- A. The Road Commission may enter into agreements with the Township Boards in Van Buren County to perform highway, road and street special maintenance and construction operations on roads and streets. Work so contracted shall be invoiced at specified per mile/ton pricing or at cost.
- B. The township should ensure that it fully understands the scope of any work to be performed prior to authorizing a project and should ensure that all project details are included on the Program Sheet if there are specific instructions.
- C. Upon signing any Engineer's Opinion of Costs for projects that will be let for bid, the Townships will provide a \$500 deposit prior to the Road Commission developing plans and bid packet documents. Once the project has been let for bid, if the Township proceeds with the project, the deposit will be credited to the pre-construction deposit. If the Township cancels the project, the deposit, less expenses incurred to date will be refunded to the Township. If the project's costs to date exceed the \$500 deposit, the Township will be billed for the remaining balance.
- D. The Road Commission shall require a 75% pre-construction deposit on any township funded projects over \$10,000, less the \$500 deposit, to be paid before work commences.
- E. Townships may utilize the Road Commission's revenue sharing program, RevShare, in accordance with the RevShare policy 2022-03 to assist with funding various township requested road projects.
- F. The Road Commission shall absorb any over-run costs on projects funded by the Township as set forth in the signed Program Sheet/Change Orders.
- G. Should the Road Commission invoice a township for work performed and the township neglect and/or refuse to pay the bill in a reasonable amount of time the Road Commission, at its discretion, may utilize the township's current and/or future RevShare fund(s) as may be necessary to pay for the township's portion of the project.
- H. Any work performed by the Road Commission for projects/special maintenance on roads outside the jurisdiction of the Road Commission (i.e., under special assessment) shall be billed at cost, to include fringe benefits and overhead expenses. No RevShare funds may be utilized for work performed on roads not under the jurisdiction of the Road Commission. It is recommended by the Road Commission that private subcontractors be hired for this purpose without involving the Road Commission as this allows the Road Commission to focus solely on roads within its jurisdiction.

2. **Cross-pipe Replacements, Bridge Replacements, and Bridge Preventative Maintenance**

- A. Cross-pipes, regardless of the size, bridge replacements, and bridge preventative maintenance on the Primary Road system are typically funded 100% by the Van Buren County Road Commission. (Townships may choose to participate as set forth in Policy 2011-01, Requests for Improvements on Primary Roads.)
- B. Failed cross-pipe replacements on the Local Road system measuring under 36" are funded 100% by the Van Buren County Road Commission.
- C. Failed cross-pipe replacements on the Local Road System measuring 36" and larger are cost-shared 50/50 between the Road Commission and the township in which the failed cross-pipe is located.
- D. Undersized cross-pipes replaced on the Local Road System up-sized to measure 36" or larger are cost shared 50/50 between the Road Commission and the township in which the cross-pipe is located.

- E. Typically, all cross-pipes and driveway pipes (culverts) are replaced during heavy maintenance projects on Local Roads and on Primary Roads. Regardless of the size of the cross-pipe or the driveway pipe, they are funded 100% by the township on Local Road projects.
- F. Any costs for bridge replacements and bridge preventative maintenance on the Local Road system not paid for through federal and/or state local bridge funds, including design/construction engineering costs, are cost-shared 50/50 between the Road Commission and the township.
- G. Non-routine cross-pipe installations, repairs and/or replacements, regardless of size or location (Primary Road versus Local Road), may require township participation and are evaluated on a case-by-case basis.

3. **Public Safety Issues on Local Roads**

- A. In the event of a Public Safety Issue on a Primary or Local Road, as deemed by the Managing Director of the Road Commission, or their designee, the Road Commission shall do everything within its reasonable means to open the road to the motoring public as soon as reasonably possible.
- B. If a Public Safety Issue exists on a Local Road, such as a failed cross-pipe, the Road Commission shall:
 - i. Make contact with the Township Road Liaison as soon as is feasible to discuss the Public Safety Issue location, project cost estimate, road closure plans, if any, etc.
 - ii. Provide the Township Road Liaison with a Program Sheet or Engineer's Opinion of Costs and shall request that the Township authorize the project funding (typically 50/50).
 - iii. Move forward with the project to resolve the Public Safety Issue as soon as reasonably possible and regardless of the status of the Township's project authorization.
 - iv. Invoice the Township for its portion of the cost share which can be paid for by the Township through its funding sources, or with RevShare funds as allocated by the Township, or as set forth herein in Section 1(G).

4. **Traffic Signs and Signals**

- A. The Road Commission shall install, maintain, repair and/or replace all Regulatory and Warning Signs, Posts, and Signals on its certified roadways as set forth in Policy No. 2018-05, Sign Policy.
- B. The installation of any non-regulatory signs, such as street name signs, township boundary signs, etc., may be funded by the Township, as approved by the Highway Engineer or their designee.
- C. As approved by the Highway Engineer or their designee, LED traffic signs may be installed by the Road Commission upon receipt of a Resolution from the Township stating:
 - i. That the Township will pay for any and all costs associated with the purchase and installation of the approved sign(s).
 - ii. That the Township will pay for any and all costs associated with the maintenance, replacement and/or removal of a LED sign(s) as may be deemed necessary by the Road Commission for a minimum of 10 years following installation.

- iii. That the Road Commission’s engineering staff shall have the sole discretion, based upon sound engineering decisions made in the best interest of the Van Buren County Road Commission, to remove the LED sign(s) at any time following installation upon written notice to the Township.

D. The Board of County Road Commissioners requests that each township in Van Buren County consider a private road ordinance, policy, or requirement that sets forth minimum required signage where non-certified roads connect to the certified road system, such as a stop sign, street name sign, no outlet sign, etc.

5. PASER Data Collection Program

A. The Road Commission has implemented the use of PASER, a uniform rating system for all asphalt roads in the State of Michigan. This data is collected annually by the Road Commission and provides the Road Commission and the townships with important data, serves as a tool to evaluate maintenance operations, and is used to make decisions and provide data to back-up those decisions.

B. The Road Commission asks that all townships participate in the PASER Data Collection Program as follows:

Year 1 The townships reimburse the Road Commission for the cost of rating all Local and Primary Roads. (Years 2022, 2025, etc.)

Year 2 Road Commission will cover the cost of rating all Local Roads and Primary Roads. (Years 2023, 2026, etc.)

Year 3 Road Commission receives reimbursement from the Asset Management Council for rating all Local and Primary Roads. (Years 2024, 2027, etc.)

C. If a township refuses or neglects to sign a Program Sheet authorizing PASER data collection, the data will not be collected on the Local Road system in that township for that year.

6. Township Water and/or Sewer Systems

A. When a township’s water and/or sewer system is located within the county road right of way, prior to the commencement of any cross-pipe replacement project the township must cause to have the area surveyed specifically to locate water/sewer systems. The survey is the township’s cost to bear 100%.

B. If water/sewer is found 18" or less from the location of any cross-pipe the township or water/sewer district must have the water/sewer lines re-located and pay 100% of the cost of the re-location prior to the replacement of the cross-pipe.

7. Miscellaneous

A. Nothing in this Policy shall prohibit the Road Commission from performing such operations as may be necessary for the protection of life and property in the event of either nuclear or natural disaster.

B. This Policy amends any and all previous policies adopted by the Board of County Road Commissioners including, but not limited to the Policy Relative to Force Account Contracts adopted/amended 11/1/79, 1/28/80, and 2/7/80; Policy for Private Road Engineering on Roads Which Will Be Dedicated As Public Highways After Reconstruction adopted 8/20/87; and the Policy of Absorbing Any Overrun Costs on Locally Funded Township Projects adopted 12/15/94.

YES: 3
NO: 0
ABSENT: 2
MOTION CARRIED.

Motion by Boze, seconded by Burleson to award the bid for cold patching material to all bidding contractors for the 2023-24 season with Lakeland Asphalt Corp. being the primary supplier of BMP7 at \$128.90/ton, in the best interest of the Van Buren County Road Commission.

YES: 3
NO: 0
ABSENT: 2
MOTION CARRIED.

Motion by Boze, seconded by Burleson to approve The Daltons' offer to extend 2023 prices for the 2024 season for roadside and guardrail brush spraying, in the best interest of the Van Buren County Road Commission.

YES: 3
NO: 0
ABSENT: 2
MOTION CARRIED.

Road Commissioner Askew arrived at 5:44 PM.

Managing Director Witkowski brought discussion regarding receipt of a Resolution/Agreement from Hartford Township requesting that the Board of County Road Commissioners certify "65th Street, 60th Avenue, and/or Beanie Road" in Hartford Township and further agreeing to be financially responsible for improvements to the segment in the approximate amount of \$26,000.00. Witkowski went on to further explain the Road Commission's policy to consider a roadway for certification upon: 1) acquiring the necessary right-of-way, which has been acquired through the Highway by User statute and the Road Commission's prior routine maintenance of the segment; 2) satisfactorily meeting the requirements and provisions set forth in the Road Development Policy, which have been waived in this instance due to the agreed financial responsibility of the Township for sealcoat, fog seal and minor tree removals in 2025; and, 3) receipt of a Resolution from the Township requesting certification, which has been received. Witkowski recommended that the Board accept the roadway into certification. Motion by Boze, seconded by Burleson to adopt the following Resolution:

Resolution 2023-20

WHEREAS, the roadway sometimes known as Beanie Road, a/k/a Heywood Street, a/k/a 65th Street, a/k/a 60th Avenue, beginning at 65th Street and traveling East and then North to the limits of the City of Hartford is situated in Hartford Township, Van Buren County, Michigan; and,

WHEREAS, Hartford Township has provided the Road Commission with a Resolution dated October 6, 2023 supporting the certification of said roadway segment as a county local road; and,

WHEREAS, it is the opinion of the Managing Director that it is in the best interest of the residents of Hartford Township, the motoring public, and the Van Buren County Road Commission to certify said roadway segment as set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Road Commissioners of Van Buren County hereby certifies PR 589702 (Heywood Street) as shown in Framework Version 23 from 65th Street to the limits of the City of Hartford (0.20 miles).

IT IS FURTHER RESOLVED that a copy of this Resolution shall be recorded in the office of the Register of Deeds for the County of Van Buren.

IT IS FURTHER RESOLVED that a copy of this Resolution shall be published once each week for three (3) successive weeks in the *Kalamazoo Gazette*, a newspaper printed and circulated in the County, and the Affidavit of Publication shall be filed with the Clerk of Van Buren County and the Supervisor of Hartford Township.

Roll Call Vote:

ASKEW: Yes
BOZE: Yes
BURLESON: Yes
NELSON: Yes
ABSENT: 1
RESOLUTION ADOPTED.

Commissioner Updates and Reports:

W.C. Askew, Sr.

Attended Bangor Township's meeting on October 10th, very happy with the Road Commission. Attended Covert Township's meeting, very happy with Road Commission communication and with Bret. Attended Geneva Township, gave kudos to Bret and staff.

Rick Boze

Attended Keeler Township on October 3rd. Attended Hamilton Township on October 10th. Concern was raised regarding the "floating bridge" on CR215 as there was an incident there on Monday.

Doug Burleson

Attended Columbia Township on September 19th. Attended Bloomingdale Township on the 20th.

Wayne Nelson

Attended Almena Township on September 20th. They would like a formal ceremony to open the newly constructed 30th Street. Almena Township would also like signs erected on 30th Street south of M43 dedicating a stretch in memory of Ethan Quillen, a fallen first responder. Nelson discussed with the Board the possibility of a dedication of other roadway segments in Van Buren County to other fallen first responders. Nelson asked that the Board consider the possibility of allowing these dedications through a policy that he would work with staff to develop.

Motion by Nelson, seconded by Boze to send a THANK YOU from the Board of County Road Commissioners of Van Buren County to Amie Witkowski for photographing the Board and staff at the Employee Appreciation Luncheon. The Board expressed that not only were they impressed with Mrs. Witkowski's professionalism, but also with the outstanding results of her efforts.

YES: 4
NO: 0
ABSENT: 1
MOTION CARRIED.

Chair Nelson recessed the regular meeting to open a regular meeting of the Board of Public Works at 6:04 PM.

The Chair reconvened the regular meeting of the Board of County Road Commissioners at 6:05 PM.

YES: 4
NO: 0
ABSENT: 1
MOTION CARRIED.

The Chair opened the meeting to second public comment. None was received.

Motion by Boze, seconded by Burleson to adjourn the Call of the Chair at 6:06 PM.

YES: 4

NO: 0

ABSENT: 1

MOTION CARRIED.

Board Secretary

Board Chairman