

August 26, 2010

THAT the meeting was called to order by Commissioner Peckens at 9:30 A.M. in the Board Room of the Livingston County Road Commission, 3535 Grand Oaks Drive, Howell, Michigan. Notice of the meeting was posted in accordance with Act #267 of 1976.

A. ROLL CALL

Commissioners Present: Stephen F. Crane
John T. Dunleavy
David R. Peckens

Staff Present: Michael Craine, Managing Director
Kim Hiller, Utilities and Permits Engineer
Donald Kuchnicki, Finance & Policy Director
Jodie Tedesco, County Highway Engineer
Steve Wasyk, Director of Operations

Others Present: Tom Darling, WHMI

B. APPROVAL OF AGENDA

ACTION: It was moved by Commissioner Dunleavy, seconded by Commissioner Crane, to approve the agenda as presented.

Ayes: Commissioners Crane, Dunleavy, Peckens.

Nays: None.

Motion Carried.

C. CALL TO THE PUBLIC (1)

No Response

D. ACTION ITEMS

1. Request for Public Hearing
 - Amend Driveway and Plat Development Specifications (Resolution 1008-055)

Kim Hiller, Utilities and Permits Engineer, reviewed with the Board her memorandum regarding the Phase II/MS4 permit issued by the Michigan Department of Natural Resources and Environment (MDNRE). Changes mandated by the MDNRE regarding stormwater runoff necessitate amendments to the Road Commission's driveway and plat specifications. A public hearing must be held prior to the adoption of such amendments. Staff recommended that a public hearing for this purpose be held on September 23 at 9:30 a.m.

ACTION: It was moved by Commissioner Dunleavy, seconded by Commissioner Crane, to approve Resolution 1008-055. (Certified Copy on file in the Board Meeting Resolutions.)

Ayes: Commissioners Crane, Dunleavy, Peckens.

Nays: None.

Motion Carried.

2. **Approval of Plans and Specifications**
 - **Old US-23, Center Road to White Lake Road**
(Resolution 1008-056)

Mr. Craine advised the Board that there were some additional ARRA funds available that could be used for the ongoing rehabilitation of Old US-23 between M-59 and White Lake Road. The roadway has been undergoing rehabilitation in segments with the final segment scheduled to be completed in 2012. The prospect of additional ARRA funds makes it possible to complete all the work in 2011. Mr. Craine indicated that it was necessary to submit the plans to MDOT promptly to take advantage of the potential ARRA funds. Staff recommended approval of a proposed resolution for this purpose.

ACTION: It was moved by Commissioner Dunleavy, seconded by Commissioner Crane, to approve Resolution 1008-056. (Certified Copy on file in the Board Meeting Resolutions.)

Ayes: Commissioners Crane, Dunleavy, Peckens.

Nays: None.

Motion Carried.

3. **Election of Vice Chairman**
(Resolution 1008-057)

Mr. Craine and the Board discussed the position of Vice Chairman of the Board. The position has been vacant since the death of Commissioner Richard Slayton in the spring. It may be necessary for the Vice Chairman to convene a meeting between now and the end of the year when the Board traditionally elects its officers. Staff, thinking it unfair to put the newest member of the Board in this role and that Commissioner Dunleavy might fill the position, provided a proposed resolution to that effect. The Board concurred and elected Commissioner Dunleavy Vice Chairman for the remainder of the year.

ACTION: It was moved by Commissioner Peckens, seconded by Commissioner Crane, to approve Resolution 1008-057. (Certified Copy on file in the Board Meeting Resolutions.)

Ayes: Commissioners Crane, Dunleavy, Peckens.

Nays: None.

Motion Carried.

4. **Professional Services Retention**
(Resolution 1008-058)

Chairman Peckens recommended that this item be deferred to the end of the regular meeting agenda.

E. INFORMATION ITEMS

The following items were presented to the board as information only:

1. **Clip Sheets (August 12-18, 2010)**
2. **Clip Sheets (August 19-25, 2010)**

F. CALL TO THE PUBLIC (2)

No Response

G. LEGAL

1. Gould

H. ADMINISTRATIVE BUSINESS

1. Minutes

**a. Regular Board Meeting
August 12, 2010**

The proposed minutes of the meeting of August 12, 2010, were presented to the Board for its review and approval.

ACTION: It was moved by Commissioner Peckens, seconded by Commissioner Dunleavy, to approve the meeting minutes of August 12, 2010.

Ayes: Commissioners Dunleavy, Peckens.
Abstained: Commissioner Crane.
Nays: None.
Motion Carried.

2. Bills

ACTION: It was moved by Commissioner Dunleavy, seconded by Commissioner Crane, to approve vouchers 068937 through 069016 in the net amount of \$1,063,024.38.

Ayes: Commissioners Crane, Dunleavy, Peckens.
Nays: None.
Motion Carried.

3. Meetings Announced

**a. Next Regular Board Meeting
September 23, 2010 - 9:30 a.m.**

4. Financial Reports Reviewed

a. Cash Position Statement

5. Miscellaneous Road Items

Jodie Tedesco reviewed with the Board the current status of construction projects. She said that the pavement preservation program would be essentially complete by the end of the month and that all contractors had performed very well.

At the conclusion of the regularly scheduled business meeting, Chairman Peckens recommended entering into closed session for the sole purpose of discussing the matter of Gould v LCRC.

ACTION: It was moved by Commissioner Dunleavy, seconded by Commissioner Crane, to enter into closed session at 10:15 a.m. for the sole purpose of discussing the matter of Gould v LCRC.

Ayes: Commissioners Crane, Dunleavy, Peckens.
Nays: None.
Motion Carried.

ACTION: It was moved by Commissioner Dunleavy, seconded by Commissioner Crane, to return to open session at 10:40 a.m.

Ayes: Commissioners Crane, Dunleavy, Peckens.

Nays: None.

Motion Carried.

**Item D-4. Professional Services Retention
(Resolution 1008-058)**

Upon returning from closed session, the Board addressed the recommendation by Road Commission counsel, Paul Burns, to secure the services of Bruce Wallace of Hooper, Hathaway, Price, Beuche, and Wallace P.C. Mr. Wallace is a recognized authority in environmental law in Michigan and Mr. Burns recommended retaining Mr. Wallace to prepare for Discovery and Trial in the matter of Gould Electronics, Inc. v LCRC and Livingston County.

ACTION: It was moved by Commissioner Dunleavy, seconded by Commissioner Crane, to approve Resolution 1008-058. (Certified Copy on file in the Board Meeting Resolutions.)

Ayes: Commissioners Crane, Dunleavy, Peckens.

Nays: None.

Motion Carried.

I. ADJOURNMENT

There being no further business to come before the Board, Chairman Peckens declared the meeting adjourned at 10:45 a.m. Motion carried.

Signed _____
David R. Peckens, Chairman

Signed _____
Michael Craine, Managing Director