

EATON COUNTY ROAD COMMISSION

FEBRUARY 11, 2020

A regular meeting of the Eaton County Board of Road Commissioners was held at their office in Charlotte, Michigan on February 11, 2020.

The meeting was called to order at 8:33 a.m. by Chairman Lyons.

Members present: Commissioners Lyons, Frazier, Eldred, Lamoreaux and Aitch-Guerrant

Others present: Blair Ballou, Patty Loosemore and Dave Beck

Motion by Eldred and seconded by Lamoreaux that the agenda be approved as presented. Motion carried.

The Chairman asked if the minutes of the January 28, 2020 meeting were correct as presented. Motion by Lamoreaux and seconded by Eldred to approve the January 28, 2020 meeting minutes as presented. Motion carried.

Public Comment: None

The following vouchers were presented:

a.) VO. 30 (01/30/20)	Accounts Payable	\$ 311,768.52
b.) VO. 31 (02/06/20)	Payroll	\$ 95,067.99
c.) VO. 32 (02/06/20)	Accounts Payable	\$ 147,251.74

Motion by Eldred and seconded by Frazier that the vouchers with total expenditures of \$554,088.25 be approved. Motion carried.

Roll call vote: Ayes: Frazier, Lyons, Eldred, Lamoreaux and Aitch-Guerrant, Nays: None. Motion carried.

The Board discussed the annual Township officials meeting held each year by the Road Commission. A date of Monday, March 9, 2020 at 7:00 p.m. at the Road Commission offices in Charlotte was set.

The Engineer/Manager, Mr. Ballou provided information on the West Michigan Public Works Mutual Aid Program. The Board reviewed and discussed the information provided. Motion by Lamoreaux and seconded by Frazier to approve the Eaton County Road Commission's membership in the West Michigan Public Works Mutual Aid Program. Motion carried.

The Board reviewed and discussed the MiDeal purchases of Chassis equipment & installation for 2 tandem blade trucks, triaxle truck chassis for asphalt distributor and asphalt distributor, equipment & installation on the triaxle truck as presented by Engineer/Manager, Mr. Ballou These purchases are a part of the 2020 budget. Motion by Eldred and seconded by Frazier to approve the MiDeal purchases of Chassis equipment & installation for 2 tandem blade trucks, triaxle truck chassis for asphalt distributor and asphalt distributor, equipment & installation on the triaxle truck. Motion carried

The Board reviewed and discussed the proposed changes to the Policy No. 1995-02: Mailbox Replacement Policy as recommended by Engineer/Manager, Mr. Ballou. Motion by Lamoreaux and seconded by Frazier to approve the proposed amendments to Policy No. 1995-02: Mailbox Replacement Policy. Motion carried.

February 11, 2020

Dave Beck, 2228 Flanders Road, was present to discuss agenda item; Neighbor driveway concerns regarding 2150 Flanders Rd. Mr. Beck questioned driveway permit language and policy of Road Commission regarding work done in the right of way and installation of culverts. He commented on a drainage issue he feels has arisen from work done at 2150 Flanders Rd. Road Commission Chairman, Lyons asked Mr. Beck to please refer to the letter that was sent to him on April 9, 2019, by Engineer/Manager, Mr. Ballou, a copy of which is included in these minutes, which states the position of the Road Commission on this matter.

Engineer/Manager, Mr. Ballou updated the Board on the security consulting services received from Security Risk Management Consultants, LLC.

Engineer/Manager, Mr. Ballou updated the Board on a county drain meeting regarding Canal Rd and Columbia Road. He provided information on winter maintenance costs, media and personnel. Mr. Ballou asked the Board to review the Local Road Heavy Maintenance Program so that it might be discussed at the next meeting.

Commissioner Frazier said that a committee of approximately eleven people will be meeting to discuss Buggy safety issues at the Road Commission on Feb 18th at 6:00 p.m.

Commissioner Eldred provided a Eaton County Parks & Recreation Commission meeting update.

Second public comment: None

The date and time for the next regular meeting will be Tuesday, February 25, 2020 at 6:00 p.m.

Motion by Frazier and seconded by Eldred to adjourn the meeting at 10:13 a.m. Motion carried.

Benjamin S. Lyons, Chairman

Patricia M. Loosemore, Clerk to the Board

April 9, 2019
Mr. David Beck
2228 Flanders Road
Charlotte, MI 48813

Dear Mr. Beck:

Thank you for your concern regarding the work being performed in the vicinity of 2150 Flanders Road. The Road Commission has a duty to keep roads within its jurisdiction in reasonable repair so that they are reasonably safe and convenient for public travel. While the Road Commission also has the ability to require the removal of encroachments within a highway right-of-way, the Road Commission exercises that authority with discretion. Consistent with our custom and practice, the Road Commission often does not require a permit to perform work within a highway right-of-way if the work does not impact the integrity of the structure of the road, the ability to properly and safely drain the road, or otherwise interfere with the Road Commission's ability to discharge its statutory duties under MCL 224.21 and 691.1402.

At this time, it does not appear that the work being performed by your neighbor will interfere with the Road Commission's obligations concerning Flanders Road. Should that assessment change in the future, the Road Commission will take appropriate action. Please also note that in assessing the impact of the encroachment, the Road Commission's sole focus is on the effect of that encroachment upon Flanders Road. Your neighbor has property rights within the right-of-way that are separate and distinct from the rights held by the Road Commission in trust for the benefit of the public. In exercising its discretion, the Road Commission must be mindful of those rights held by your neighbor. In other words, the Road Commission reviews activity within the right-of-way solely in the light of its own, limited property rights relating to public travel. Finally, the Road Commission does not purport to review, and takes no position on, whether your neighbor's activities could give rise to a private cause of action between you and your neighbor.

If you have any other questions, feel free to contact this office.

Sincerely,

Blair Ballou P.E.
Engineer-Manager