

**‘GENESEE COUNTY ROAD COMMISSION**

**BOARD MEETING**

**November 02, 2021**

**MINUTES**

**CALL TO ORDER**

Chairperson Dickerson called the meeting of the Genesee County Board of Road Commissioners to order at 10:07 a.m. The meeting was held in the Board Room of the Genesee County Road Commission, 211 W. Oakley, Flint, Michigan 48503-3995.

**ROLL CALL**

Present: Cloyce Dickerson, Chairperson  
John Mandelaris, Vice Chairperson  
David Arceo, Commissioner  
Timothy Elkins, Commissioner  
Cathy Lane, Commissioner

Absent: None

Others Present: Fred Peivandi, Anthony Branch, Eric Johnston, Brenda Kleinfeld, Stephanie Jaeger, Bonnie Wood (Genesee County Road Commission Staff), Attorney Andrew Cascini, (Henn Lesperance PLC), Donald McKeon, Linda Kossak, Secretary of the Board of Road Commissioners

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chairperson Dickerson.

**APPROVAL OF AGENDA**

November 02, 2021 – Agenda

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Elkins, to approve the November 02, 2021 Agenda with the addition of Correspondence Item C-1 – Letter from Fred Peivandi to the Board, corrections for Discussion Item A-1 and A-2 and a Closed Session with Attorney Andrew Cascini to discuss a written legal opinion.

**VOTE ON MOTION:**

Yes: Mandelaris, Arceo, Lane, Elkins, Dickerson  
No: None

**MOTION CARRIED.**

**APPROVAL OF MINUTES**

October 06, 2021 Board Meeting Minutes

**ACTION TAKEN** – Motion by Mr. Lane, seconded by Mr. Elkins, to approve the October 06, 2021 board meeting minutes as presented.

**VOTE ON MOTION:**

Yes: Arceo, Lane, Elkins, Dickerson, Mandelaris

No: None

**MOTION CARRIED.**

**MEETINGS, PRESENTATIONS, HEARINGS, AND INFORMATION**

Thursday, November 11, 2021

GCRC closed (non-essential operations) in observance of Veterans Day holiday

Tuesday, November 16, 2021

9:00 a.m. – Roads & Bridges Advisory Committee Meeting

10:00 a.m. – Board Meeting

**PUBLIC ADDRESS THE BOARD**

None.

**CORRESPONDENCE**

**INCOMING**

Email Correspondence from Argentine Supervisor, Mr. Brian Saad regarding the Township’s relationship with the Genesee County Road Commission – In an email dated October 28, 2021, Mr. Brian Saad, Argentine Township Supervisor commented that the township has a good working relationship with the Genesee County Road Commission under the present leadership. (Copy filed with official minutes.)

**OUTGOING**

None.

**INTERNAL**

Letter Correspondence from Managing Director Fred Peivandi to the County Board of Road Commissioners regarding a Disciplinary Issue – In a letter dated, August 26, 2021, Managing Director Peivandi expressed his concerns to the board regarding a disciplinary issue. (Copy filed with official minutes.)

Chairperson Dickerson requested the Secretary of the Board read the letter from Managing

Director Peivandi aloud to the Board.

Chairperson Dickerson asked Managing Director Peivandi, who assisted him in drafting this letter. Managing Director Peivandi stated that he drafted the letter but legal counsel, Attorney Cascini reviewed the letter. Chairperson Dickerson said that this concerns him because Attorney Cascini works for the Board not as Mr. Peivandi's personal counsel.

Attorney Cascini stated that any question that the Board has regarding this letter could be discussed in open session but Mr. Cascini urges the Board to be prudent and consider their options to discuss it in closed session. Commissioner Lane said if there is going to be any discussion of this letter, Mr. Peivandi can request a closed session to discuss this matter. At this time, Chairperson Dickerson said he would like to close this matter and continue with the regular board meeting agenda.

### **INFORMATION**

None.

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Mandelaris, to approve the correspondence as presented.

### **MOTION CARRIED.**

### **BOARD OF ROAD COMMISSIONERS' DECISIONS**

#### **DISCUSSION**

Resolution Certifying Local Match for use of Federal Aid Small Area Urban Funds on Green Road in Atlas Township – In a memorandum dated November 02, 2021, staff requested the Board approve the resolution certifying that the Board will commit \$655,000 for the hard surfacing of Green Road from Gale Road to Ridge Road in Atlas Township. (Copy of memorandum and resolution filed with official minutes.)

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Mandelaris, to approve the resolution certifying that the Board of County Road Commissioners for Genesee County will commit \$655,000 (total construction match) for the hard surfacing of Green Road from Gale Road to Ridge Road in Atlas Township.

#### **VOTE ON MOTION:**

Yes: Elkins, Dickerson, Mandelaris, Arce, Lane  
No: None

### **MOTION CARRIED.**

Resolution of Support for FY 2023-2026 Transportation Improvement Program (TIP) – In a memorandum dated October 28, 2021, staff requested the Board approve the Resolution of Support for the Road Commission's proposed Federal Aid and State Aid projects in the FY 2023-2026

Transportation Improvement Program. (Copy filed with official minutes.)

**ACTION TAKEN** – Motion by Mr. Mandelaris, seconded by Mr. Elkins, to approve the Resolution of Support for the Road Commission’s proposed Federal Aid and State Aid projects in the FY 2023-2026 Transportation Improvement Program (TIP).

VOTE ON MOTION:

Yes: Dickerson, Mandelaris, Arceo, Lane, Elkins  
No: None

**MOTION CARRIED.**

Selection of Consultant for Design Services, 2021-2022 Federal/State/Local Funded Bridge and Road Design Projects - In a memorandum dated October 25, 2021, staff requested the Board approve assignment of the listed consultants in Group ‘A’ category for roads and Group ‘B’ category for bridges to prepare construction plans for the proposed FY 2021/2022 Federal/State/Local funded Road Design Projects. (Copy filed with official minutes.)

**ACTION TAKEN** – Motion by Mr. Arceo, seconded by Ms. Lane, to approve assignment of the listed consultants in Group ‘A’ category for roads and Group ‘B’ category for bridges to prepare construction plans for the proposed FY 2021/2022 Federal/State/Local funded Road Design Projects and further, to direct the Chairperson to sign the consultant agreement when returned.

VOTE ON MOTION:

Yes Mandelaris, Arceo, Lane, Elkins, Dickerson  
No: None

**MOTION CARRIED.**

Local Road Agreement, Lahring Road Culvert over the McCollom Drain, Argentine Township – In a memorandum dated October 26, 2021, staff requested the board approve and sign the duplicate originals of the Local Road Agreement with Argentine Township for the replacement of the Lahring Road Culvert over the McCollom Drain, Argentine Township. (Copy of memorandum and agreement filed with official minutes.)

Genesee County Road Commission	\$25,000
Argentine Township	<u>\$25,000</u>
Total Project Cost	\$50,000

Commissioner Elkins asked if this project is currently in our budget. Staff stated that yes; it is in the budget under Department 91.

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Elkins, to approve and sign the duplicate originals of the Local Road Agreement with Argentine Township for the replacement of the Lahring Road Culvert over the McCollom Drain in Argentine Township.

VOTE ON MOTION:

Yes: Arceo, Dickerson, Mandelaris, Lane, Elkins  
No: None

**MOTION CARRIED.**

Reconsideration of Denial Decision for the absolute abandonment and discontinuance of a portion of Cardiff Boulevard (Morris Hill), Section 18, Genesee Township – In a memorandum dated October 26, 2021, staff requested the Board approve the resolution to abandon the remaining portion of Cardiff Boulevard (Morris Hill), Section 18, Genesee Township. (Copy of memorandum and resolutions filed with official minutes.)

Mr. Mandelaris asked how was this resolved. Staff stated that the property is no longer land locked. We received a letter from the Township and staff verified that it was no longer land locked.

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Arceo, to approve the resolution to abandon the remaining portion of Cardiff Boulevard (Morris Hill) in the recorded plat of Elm Crest, Section 18, Genesee Township, Genesee County, Michigan.

**VOTE ON MOTION:**

Yes: Lane, Elkins, Dickerson, Mandelaris, Arceo  
No: None

**MOTION CARRIED.**

Renewal Purchase Order for Carbide Cutting Edge Blades and Curb Guards – In a memorandum dated October 21, 2021, staff requested the Board approve the issuance of a renewal Purchase Order to Winter Equipment Company for carbide edge blades & curb guards. (Copy filed with official minutes.)

**ACTION TAKEN** – Motion by Ms. Elkins, seconded by Mr. Mandelaris, to approve the issuance of a Purchase Order to Winter Equipment Company in an amount of \$60,000 for carbide cutting edge blades and curb guards.

**VOTE ON MOTION:**

Yes: Elkins, Dickerson, Mandelaris, Arceo, Lane  
No: None

**MOTION CARRIED**

Renewal Purchase Order for Mini RWIS (Road Weather Information System) Lease – In a memorandum dated October 18, 2021, staff requested the Board approve the issuance of a renewal Purchase Order to Frost Control Systems for the second annual Mini RWIS lease payment. (Copy filed with official minutes.)

Vice Chairperson Mandelaris asked how these Mini RWIS' are working out. Staff stated that this is the second year that these are in use and we have 10 located in the county. They measure pavement temperatures and conditions of the roads in the winter. Staff stated that they are working

out very well.

**ACTION TAKEN** – Motion by Mr. Elkins, seconded by Mr. Mandelaris, to approve the issuance of a renewal Purchase Order to Frost Control Systems for the second annual Mini RWIS (Road Weather Information System) lease payment in an amount of \$27,750.00. This is a three (3) year lease with Frost Control Systems.

VOTE ON MOTION:

Yes: Dickerson, Mandelaris, Arceo, Lane, Elkins  
No: None

**MOTION CARRIED.**

**Issuance of a Purchase Order for Culvert Repair – Lake Valley Drive at Parker Lake Drain, Fenton Charter Township** – In a memorandum dated October 28, 2021, staff requested the Board approve the issuance of a Purchase Order to Johnson and Sons, Inc. in the amount of \$26,265.20 for providing construction services (culvert repair) to the Lake Valley Drive culvert at the Parker Lake Drain, Fenton Charter Township. (Copy of memorandum and quote filed with official minutes.)

Commissioner Elkins asked if this was budgeted. Staff stated yes, it was budgeted. Commissioner Lane asked if a company could not renew their EEOC plan, would GCRC go to the next bidder. Staff stated yes, we would go to the next bidder.

**ACTION TAKEN** – Motion by Mr. Elkins, seconded by Mr. Mandelaris, to approve the issuance of a Purchase Order to Johnson and Sons, Inc., in the amount of \$26,265.20 for providing construction services in effort to perform the necessary repairs to the Lake Valley Drive culvert at the Parker Lake Drain, Fenton Charter Township.

VOTE ON MOTION:

Yes: Dickerson, Mandelaris, Arceo, Lane, Elkins  
No: None

**MOTION CARRIED.**

**Ratification of Vouchers totaling \$4,340,849.85** – (Copies filed with official minutes.)

**Voucher #V-40727**

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Arceo, to ratify Voucher #40727 in the amount of \$1,906,927.09.

VOTE ON MOTION:

Yes: Arceo, Lane, Elkins, Dickerson, Mandelaris  
No: None

**MOTION CARRIED.**

Voucher #V-40728

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Arceo, to ratify Voucher #40728 in the amount of \$334,568.71.

VOTE ON MOTION:

Yes: Arceo, Lane, Elkins, Dickerson, Mandelaris  
No: None

**MOTION CARRIED.**

Voucher #V-40729

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Arceo, to ratify Voucher #40729 in the amount of \$510,093.87.

VOTE ON MOTION:

Yes: Arceo, Lane, Elkins, Dickerson, Mandelaris  
No: None

**MOTION CARRIED.**

Voucher #V-40730

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Arceo, to ratify Voucher #40730 in the amount of \$3,060.00.

VOTE ON MOTION:

Yes: Arceo, Lane, Elkins, Dickerson, Mandelaris  
No: None

**MOTION CARRIED.**

Voucher #V-40731

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Arceo, to ratify Voucher #40731 in the amount of \$407,419.92.

VOTE ON MOTION:

Yes: Arceo, Lane, Elkins, Dickerson, Mandelaris  
No: None

**MOTION CARRIED.**

Voucher #V-40732

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Arceo, to ratify Voucher #40732 in the amount of \$279,089.94.

VOTE ON MOTION:

Yes: Arceo, Lane, Elkins, Dickerson, Mandelaris  
No: None

**MOTION CARRIED.**

Voucher #V-40733

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Arceo, to ratify Voucher #40733 in the amount of \$200,130.90.

VOTE ON MOTION:

Yes: Arceo, Lane, Elkins, Dickerson, Mandelaris  
No: None

**MOTION CARRIED.**

Voucher #V-40734

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Arceo, to ratify Voucher #40734 in the amount of \$262,040.97.

VOTE ON MOTION:

Yes: Arceo, Lane, Elkins, Dickerson, Mandelaris  
No: None

**MOTION CARRIED.**

Voucher #V-40735

**ACTION TAKEN** – Motion by Ms. Lane, seconded by Mr. Arceo, to ratify Voucher #40735 in the amount of \$437,518.45.

VOTE ON MOTION:

Yes: Arceo, Lane, Elkins, Dickerson, Mandelaris  
No: None

**MOTION CARRIED.**

**CONSENT**

None.

**MANAGING DIRECTOR REPORT**

Managing Director Peivandi commented that the employee that was involved in the Tractor – Car incident is still out on leave but doing much better. He will update the Board when he has more information.

**COMMISSIONERS' CONCERNS**



Commissioner Elkins congratulated Anthony Branch on his appointment to the Mott Community College Board as a Trustee.

Chairperson Dickerson requested a motion be made to go into closed session with Attorney Andrew Cascini to discuss a written legal opinion.

**ACTION TAKEN** - Motion by Ms. Lane, seconded by Mr. Arceo, to go into closed session with Attorney Andrew Cascini, Henn Lesperance PLC, to discuss a written legal opinion regarding the complaint from Ms. Donna Poplar per MCL 15.268(h); MCL 15.243(l) (g).

**VOTE ON MOTION**

Yes: Dickerson, Mandelaris, Arceo, Lane, Elkins

No: None.

**MOTION CARRIED.**

(At 10:42 a.m., the Board of County Road Commissioners went into closed session).

(At 11:47 a.m., the Board of Road Commissioners reconvened back into open session).

Commissioner Elkins stated at this time, he would like to make a motion concerning Human Resource Director, Ms. Donna Poplar.

**ACTION TAKEN** - Motion by Mr. Elkins, seconded Mr. Mandelaris, stating that Ms. Poplar currently remains on paid administrative leave as our attorney tried to resolve the issues Ms. Poplar asked the Board to address. Given the recent position taken by Ms. Poplar's attorney declaring that she and the Commission are at an impasse concerning proposed resolutions, we believe it is time to bring her back to work. In consideration of advice from our attorney, we move to:

1) Return Ms. Poplar to work effective November 03, 2021 (working remotely until November 08, 2021 when Mr. Dellaposta returns from vacation) and,

2) Maintain the contents of Ms. Poplar's personnel file including Mr. Peivandi's directives to her and the disciplinary suspension and,

3) Direct Ms. Poplar to report exclusively to Operations Director Randy Dellaposta until further notice to try to alleviate the allegedly harassing or retaliatory working conditions that Ms. Poplar has claimed to experience under Mr. Peivandi's direct supervision. In proposing that last condition, we have not concluded that either Mr. Peivandi or Ms. Poplar has done anything wrong. However, we feel it is wise considering that the two have mutually expressed difficulties in working together and we hope that this will allow everybody to work efficiently and safely.

**VOTE ON MOTION**

Yes: Mandelaris, Arceo, Lane, Elkins, Dickerson

No: None

**MOTION CARRIED.**

Commissioner Elkins commented that we have heard from the attorneys regarding diversity, equity and inclusion training but unfortunately, the third party that suggested this training did not provide us with a source. Commissioner Elkins added that he would like to make a motion to get some training for the Road Commission Board and employees and to contact the third party to get a list of companies for this training.

Chairperson Dickerson stated that this is a Human Resource Department function and he would like to include Ms. Poplar in this discussion. Chairperson Mandelaris commented that in his experience, someone needs to be appointed this responsibility so that it is accomplished.

Mr. Elkins said that he would like to revise his motion.

**ACTION TAKEN** - Motion by Mr. Elkins, seconded by Mr. Mandelaris, to direct the Human Resource Department to look into diversity, equity and inclusion training for the Board and employees of the Road Commission and report back to the Board.

**VOTE ON MOTION**

Yes: Arceo, Lane, Elkins, Dickerson, Mandelaris.

No: None

**MOTION CARRIED.**

Chairperson Dickerson made a motion to pay Ms. Poplar for her two-week suspension.

Attorney Cascini said if we want to review the Road Commission policy to see if this is allowed under the policy we can, but Ms. Poplar's personnel file is still unchanged - that has not changed.

**ACTION TAKEN** – None. No support on the motion and no action taken. The Board will refer to our labor attorney for a legal opinion on this matter.

**MOTION FAILED.**

**ADJOURNMENT**

Chairperson Dickerson, without objection, adjourned the meeting at 11:59 a.m.

JOHN J. GLEASON  
Clerk/Register

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Linda B. Kossak, Secretary of the  
Board of County Road Commissioners  
lbk – 11/02/21