

The regular meeting of the Board of County Road Commissioners of Newaygo County was called to order by Chairman Gonyon at 8:00 a.m. on Monday, December 9, 2024, at the road commission offices.

Commissioners present: William Gonyon, Douglas Harmon, and Lee Fetterley
Staff present: Derek Wawsczyk, Manager and Kerry Hewitt, Clerk
Others present: Dan Walters, Stoops; Brian Pratt, D & K Truck; and Chad Veenstra, Truck and Trailer

Motion by Commissioner Fetterley and supported by Commissioner Harmon to approve the minutes of the regular meeting on November 13, 2024. All ayes. Motion carried.

Motion by Commissioner Harmon and supported by Commissioner Fetterley to approve the following vendor checks, ach vendor payments, and payroll checks:

November 22, 2024:

Vendor checks # 65676 - # 65701 and ACH Vendor checks elect. # 14085 - # 14119 in the amount of \$262,183.45 and Payroll checks # 59943 - # 59959 in the amount of \$105,908.89. All ayes. Motion carried.

December 6, 2024:

Vendor checks # 65702 - # 65725 and ACH Vendor checks elect. # 14120 - # 14144 in the amount of \$197,973.38 and Payroll checks # 59960 - # 59976 in the amount of \$119,411.51. All ayes. Motion carried.

Public Comment: none

Bid Opening: Two model year “new” cab and chassis units and upfit one spreader body and one dump body

BID COMPANY	Two Model Year "new" Cab & Chassis	Upfit of Cab & Chassis Spreader body	Upfit of Cab & Chassis Dump body	Delivery Date
Truck and Trailer Specialties	no bid	\$179,621.00 plus available options	\$164,334.00 plus available options	16-18 months ARO
D & K Truck Company	\$311,966.00	no bid	no bid	Q-2 Build/Delivery 30-days after build
Stoops Western Star of Michigan	\$350,000.00	no bid	no bid	180-450 days depending on receipt of order

Bids will be reviewed and awarded at our next board meeting.

Kerry presented the board with an updated cash flow, MVHF Comparison, and fuel savings through November.

Kerry informed the board that she was subpoenaed into court on Monday, November 25th to testify on our road right-of-way of Adams St. west of Centerline Rd.

Bridgeton Township:

S. River Dr. from Stone Rd. going west for approximately 1.5 miles: Overlay

Motion by Commissioner Harmon and supported by Commissioner Fetterley to approve and sign the above-mentioned contract with Bridgeton Township. All ayes. Motion carried.

Kerry presented the ACT51 maps and cover sheets for Chairman Gonyon’s signature. Motion was made by Commissioner Harmon and supported by Commissioner Fetterley to approve the Urban Area mileage certification and to approve the County Area mileage certification. The cover sheets and maps are certification of county roads into our system for ACT51 purposes. All ayes. Motion carried.

Kerry presented resolution # NCRC-12-001-24, a Performance Resolution for Governmental agencies to apply for permits on the State Highways. Motion was made by Commissioner Fetterley and supported by Commissioner Harmon to approve Resolution #NCRC-12-001-24. All ayes. Motion carried.

Discussion took place regarding the implementation of a formal encroachment policy. The following right-of-way encroachment removal procedures and policy were presented:

RIGHT-OF-WAY ENCROACHMENT REMOVAL PROCEDURES POLIY

I. PURPOSE

To establish procedures governing the use of roadside areas under the jurisdiction of the Board of County Road Commissioners based on its responsibility to maintain a roadway system that is reasonably safe and convenient for public travel.

II. INFORMATION

In the interest of highway safety, Michigan Law (1925 PA. 368, as amended, MCLA 247.171) prohibits the placement of any object within the highway right-of-way without a permit from the road authority.

In many instances, property owners or contractors place fences, rocks/boulders, trees/shrubs, unauthorized mailboxes, earthwork, underground sprinkler systems, underground utilities/devices or other objects within the road right-of-way as a measure of enhancing or protecting the property. However, these fixed objects often become vision obstructions, hazards to motorists or interfere with drainage and/or public utilities.

Any structural or ornamental object, whether permanent or temporary, placed within the county road right-of-way without a permit from the Newaygo County Road Commission ("Road Commission") shall be subject to removal. Further, any costs incurred by the Road Commission may be recovered from the property owner(s) by statute.

III. PROCEDURE

Step 1: When an object or obstruction is identified and reported to the Road Commission, the object will be classified by the complainant as a potential roadway safety hazard, vision or drainage obstruction, etc. Information concerning the object and the person reporting the encroachment will be entered into an Encroachment Log and forwarded to the designated staff in the Engineering and/or Operations Department for action.

Step 2: Within 10 days from the date the object was reported, an investigation will be performed by the designated staff in the Engineering and/or Operations Department to determine if the object is a safety hazard or interferes in the maintenance of the roadway surface or roadside drainage. Field measurements and photographs of the object may be taken. If, in the opinion of the Managing Director, an object poses an imminent danger to the public, the Managing Director may immediately seek an Encroachment Removal Order and proceed to have the object removed at the expense of the property owner(s).

Step 3: Upon completion of the investigation, the complainant will be notified by mail or, alternatively, by telephone if any remedial action is to be taken to remove the object.

Step 4: If the object is to be removed, the property owner(s) of record will be notified by certified mail that an encroachment has been identified on his/her property. The property owner(s) will be informed that he/she has 14 days to contact the Road Commission and remove the object or the Board of County Road Commissioners may issue an Encroachment Removal Order requiring the object to be removed at the property owner(s) expense. The property owner(s) will also be informed that any objection to the removal must be in writing and delivered to the main office of the Road Commission.

Step 5: If the object has not been removed within 14 days, the Board of County Road Commissioners will consider an Encroachment Removal Order requiring the property owner(s) to remove the object within 30 days. If approved, the Order will be sent to the property owner(s) by certified mail or personal service.

Step 6: If the object has not been removed within 30 days from the date of service of the Order, the Road Commission will have the object removed at the expense of the property owner(s). However, if within the 30-day time period, the property owner(s) denies the existence of the encroachment by written notice, the Board of County Road Commissioners may commence an action of trespass instead of removing the object.

IV. GUIDANCE TO NCRC STAFF

Encroachments on roads with speed limits of less than 40 mph should typically not be considered a safety hazard.

Encroachments that most likely would not cause severe damage if struck by the motoring public or a Road Commission vehicle should typically not be considered a safety hazard. This policy shall be enforced through public request, NCRC driver/operator request or when damage occurs as a result of NCRC operations.

Approved by: _____ Date: _____

ENCROACHMENT REMOVAL ORDER

WHEREAS, a _____ is present in front of the residence at _____ approximately _____ feet from the _____ side of _____ Road in Section _____ in _____ Township, and,

WHEREAS, _____ Road is a _____ foot wide County road and the _____ is within the road right-of-way, and

WHEREAS, in the opinion of the Board of County Road Commissioners, this structure is a safety hazard to the motoring public.

BE IT RESOLVED that the Newaygo County Road Commissioners order that this structure be removed thirty (30) days after service of this order.

BE IT FURTHER RESOLVED that this encroachment will be removed after thirty (30) days by employees of the Newaygo County Road Commission in such a manner as to cause the least damage to the property or loss to the owner and shall recover from the owner the cost and expenses of such removal as authorized by Statute.

I hereby certify that the foregoing is a true and correct copy of a resolution approved by The Board of County Road Commissioners of The county of Newaygo at their regular Meeting held on _____ 20____.

(Date)

(Name of property owner)
(Address of property owner)

Re: Encroachment at _____ Road, Section _____,
Township, Newaygo County, MI

Dear (property owner):

It has been brought to the attention of the Newaygo County Road Commission that you have placed/constructed/installed a _____ within the road right-of-way on _____ Road. According to Michigan Law (1925 P.A. 368, as amended, MCLA 247.171), obstructions and encroachments on public roadways are prohibited. As a result, we are requesting that you remove the encroachment within fourteen (14) days.

If the encroachment is not removed within fourteen (14) days, we will seek an Encroachment Removal Order from the Board of County Road Commissioners of Newaygo County. This Order will require you to remove the encroachment, or the Road Commission will have it removed at your expense. Pursuant to MCLA 247.172, you will be liable for the costs and expenses of such removal.

If you have any questions, or need additional information, please contact me at (231) 689-6682. Any objection to this removal must be received in writing at the above address within fourteen (14) days from the receipt of this letter.

Sincerely,

Derek Wawsczyk
Manager

(Date)

(Name of property owner)
(Address of property owner)

NOTICE

On (insert date) the Board of County Road Commissioners of Newaygo County approved the enclosed Encroachment Removal Order. In the interest of public safety and State laws, the Newaygo County Road Commission shall, on or after _____, 20__ remove the _____ that lies(s) within the _____ foot right-of-way of _____ said obstruction located _____.

Accordingly, the Newaygo County Road Commission requests your cooperation in removing the stated obstruction placed in the right-of-way of _____ in front of your home or property which is deemed hazardous under Public Act 1951, 12, being MCLA 224.21, Sec. 1, and Public Act 1925, 368, Sections 1, 2, 10, 11 12 and 20, being MCLA 247.171, 247.172, 247.180, 247.181, 247.182 and 247.190.

In the event the Road Commission is required to do the work, Public Act 1925, 368, Section 2, requires the Road Commission keep an accurate accounting of the expenses it incurred in carrying out the law and to present affected owners a full and complete statement of expenses it incurred in removing hazardous objects or obstructions from the right-of-way and to therefore require the owner to pay the amount set forth in the statement.

Said Act further states: "If the owner shall refuse or neglect to pay the amount set forth in the statement within thirty (30) days after such notice and demand for payment is presented, the Newaygo County Road Commission shall present a verified copy of the statement to the Clerk of the Township of _____, Newaygo County, Michigan, who shall then assess the land and collect the expenses in the same manner as other taxes are collected."

If you have any questions regarding this matter, do not hesitate to call me at (231) 689-6682.

Sincerely,

Derek Wawsczyk
Manager

Discussion took place regarding encroachments and platted and public right-of-way. Motion by Commissioner Harmon and supported by Commissioner Fetterley to approve the right-of-way encroachment removal procedures and policy as presented. All ayes. Motion carried.

Derek reported that he, along with Mike and Kelly met with Consumers Energy regarding the Hardy Dam project. The project is still planned for September 2025 with a completion date of the spring of 2028. However, the road may be open to traffic in late 2027. Derek informed the board that they plan on having the water level up every season while the dam is being worked on. Derek mentioned that we still plan on selling our 2025 and 2026 Fed. Aid, and we might have to budget another year of Fed. Aid funds.

Derek reported that he and Kelly met with the Michigan Wetland Mitigation Bank regarding a possible wetland site here in the county that NCRC would sponsor. They are still working on the details, but the parcel is located near Luce Ave. and 80th St.

Derek informed the board that in between snow events we continue to crush and screen material with the equipment rented from MHK. We have produced 1900 yards of screened topsoil at the White Cloud facility and have been making huge progress out at Guthrie Pit.

Derek informed the board that he watched a live press conference from Lansing from Matt Hall, talking about a proposed 2.8 billion road funding bill. Derek mentioned that what Mr. Hall was proposing made a lot of sense and would help get the funding to the local level. Derek recommended watching it on YouTube if possible.

Derek reported that the Spruce Ave. bridge rehab is looking like a February bid letting for construction in 2025. Derek mentioned that we will remove some trees before this spring under the permit guidelines.

Derek informed the board that Truck and Trailer is working on an estimate of uninstalled equipment for the new sign truck. Derek mentioned that even though they don't install equipment anymore they are still able to sell it to us for self-installation.

Derek reported that the union approached him about changing the call-in for the 2nd shift workers on holiday and weekends. Currently, the 2nd shift will get called in based on their seniority unless it is after 6 p.m. on Sunday. The union voted and it passed by a large margin, to not call in the 2nd shift workers during the day on holidays and weekends. This is something that Derek has wanted to change as well. Kerry will work on a Letter of Understanding.

Derek reported that he will attend the Rural Task Force meeting on Friday the 13th in Muskegon.

Derek reported that Sam with CRASIF put on a winter maintenance safety refresher course at our facility last Tuesday.

Derek informed the board that we will be participating in the Christmas parade in Fremont on Friday.

Commissioner Gonyon inquired about a Christmas party. Derek mentioned that we will have a Christmas potluck if the weather allows.

Public Comment: none

Commissioner discussion items:

Commissioner Harmon mentioned the Ottawa County's search for a new administrator. He also looked at the number of staff at the Ottawa County Road Commission compared to our staff. He asked if we thought we had enough staff on-hand. Derek and Kerry both think our staff is sufficient in the foreman's office and in the office. Derek mentioned that when our Engineering Tech. retires, we may look at bringing on additional support or restructuring of duties.

Commissioner Gonyon noted that we were able to accomplish a lot this past year and praised the road commission staff. He wished everyone a Happy Holiday.

With no objections, Chairman Gonyon adjourned the meeting at 9:30 a.m.

William Gonyon, Chairman

Kerry Hewitt, Clerk