

Chairman D. Brown called the Regular Meeting of the Cheboygan County Road Commission to order at 9:00 A.M.

Clerk D. Stempky took roll call and a quorum was present

Pledge of Allegiance was recited

PRESENT: D. Brown, D. Brandt, R. LaHaie, H. Ginop, K. Paquet, Engineer/Manager B. Shank and Clerk D. Stempky

VISITORS: K. Hahn, S. Redmond, D. August, J. Moore, T. Horrocks and J. Phillips.

MOTION by D. Brandt seconded by K. Paquet to approve minutes of last regular meeting of 3/21/2019 as mailed. 5 Yeas **CARRIED**

MOTION by D. Brandt seconded by R. LaHaie to approve for payment current payroll voucher #19-13-\$77,915.34 and accounts payable voucher #19-14-\$396,546.25. 5 Yeas **CARRIED**

MOTION by D. Brandt seconded by K. Paquet to approve agenda as presented. 5 Yeas **CARRIED**

J. Phillips discussed dust control on Reams Road. CCRC brines once a year and another application could be done by the Township.

Eng/Mgr and Clerk discussed Retiree Medicare Supplement coverage. Have been looking to make sure the price we are paying is comparable to other products. Have found our current carrier will be reducing our rates and will stay with the current carrier for Medical and prescription coverage. Dental coverage with two other carriers are half the price and feel we could change if the coverage's are comparable. Would like the Board to give Engineer/Manager and Clerk authority to change coverage for retiree dental care.

MOTION by K, Paquet seconded by H. Ginop to allow Engineer/Manger and Clerk to review dental coverage's for Retiree on Medicare supplement and make the changes as they see fit. 5 Yeas **CARRIED**

Bids for culvert projects were accepted on February 19, 2019 and Engineer/Manager Shank noted, there is only enough funds from Huron Pines to cover one project to complete at this time. Huron Pines is recommending to complete the Seffern Road project first and if end of summer there is additional funds available with Huron Pines and CCRC may complete the Alpena State Road culvert.

MOTION by D. Brandt seconded by K. Paquet to award the culvert purchase to Contech Engineering Solutions for Seffern Road in the amount of \$78,253.00. 5 Yeas **CARRIED**

MOTION by K, Paquet seconded by H. Ginop to adopt the following Resolution to Defend, Indemnify and Hold Harmless the County Highway Engineer for Professional Liability as follows and make Policy #62:

WHEREAS, pursuant to MCL 224.1, et seq, the Board of Road Commissioners of the County of Cheboygan employs a county highway engineer.

WHEREAS, pursuant to MCL 224.10(2) and MCL 224.19(3), the county highway engineer fulfills and performs statutory obligations at the pleasure of the Board, which may include: preparation and review of surveys; preparation and review of plans and specification for roads, bridges, and culverts;

supervising over construction and implementation of said plans and specifications; and other engineering duties as appropriate.

NOW, THEREFORE BE IT RESOLVED, that the Board shall defend, indemnify, and hold harmless, to the fullest extent permitted by law, the county highway engineer for and against any claim or liability arising from his or her acts or omissions as a professional engineer, and occurring within the course of his or her employment, and within the scope of his or her authority, while acting on behalf of the Board.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this Resolution shall not require the Board to indemnify or hold harmless the county highway engineer for and against any act or omission constituting gross negligence or an intentional tort.

Roll call: LaHaie-yes, Ginop-yes, Brandt-yes, Paquet-yes, Brown-yes

CARRIED

MOTION by D. Brandt seconded by R. LaHaie to adopt following Resolution to adopt Uniform Permit Fees and Collocation Rates for the Small Wireless Communications Facilities Deployment Act as follows:

**RESOLUTION TO ADOPT UNIFORM PERMIT FEES AND COLLOCATION RATES FOR THE
SMALL WIRELESS COMMUNICATIONS FACILITIES DEPLOYMENT ACT**

WHEREAS, the Michigan Legislature (MCL 460.1301 ET SEQ) has authorized wireless service providers and wireless infrastructure providers to access the public right-of-way and enabled the ability to attach to poles and structures in the public right-of-way to enhance their networks and provide next generation services;

WHEREAS, the Michigan County Road Agencies are statutorily authorized to assess permit fees and recurrent annual rates to wireless providers for access to the public right-of-way (MCL 460.1301 et seq;

NOW THEREFORE BE IT RESOLVED, the Cheboygan County Road Commission hereby adopts the following uniform definitions to clarify the MCL 460.1301 et seq;

- a. Permit fees for the wireless providers under the statute. MCL 460.1315(o).
 - i. New small cell wireless facilities the permit fee will be \$200 for each stand-alone small cell facility; and
 - ii. New small cell wireless facilities and new pole the permit fee of \$300 for each pole or support structure
- b. Colocation Rates on utility poles under the statute. MCL 460.1313(3).
 - i. The recurrent rate shall be \$20 per year per utility pole; and \$20 per year per wireless structure in the ROW on which a wireless facility is co-located; and
 - ii. The recurrent rate shall be \$125 per year per pole; and \$125 per year per wireless support structure provided the utility pole or wireless support

structure was erected by or on behalf of the wireless provider on or after March 12, 2019.

iii. Collocation recurrent rates on utility poles or wireless support structures are in addition to and distinct from the wireless providers permit fees.

c. Collocated antennas on road agency poles MCL 460.1319

i. The road agency recurrent rate shall be \$30 per facility per year for each authority pole that is being used to support the wireless provider facility; and

ii. Collocation recurrent rates on road agency poles are in addition to and distinct from the wireless providers permit fees.

5 Yeas

CARRIED

MOTION by D. Brandt seconded by R. LaHaie to adopt the following Resolution to Adopt Uniform Definition for the Small Wireless Communications Facilities Deployment Act as follows:

RESOLUTION TO ADOPT UNIFORM DEFINITION FOR THE

SMALL WIRELESS COMMUNICATIONS FACILITIES DEPLOYMENT ACT

WHEREAS, the Michigan Legislature (MCL 460.1301 ET SEQ) has authorized wireless service providers and wireless infrastructure providers to access the public right-of-way and enabled the ability to attach to poles and structures in the public right-of-way to enhance their networks and provide next generation services;

WHEREAS, the Michigan County Road Agencies are statutorily authorized to administer and regulate access to the public right-of-way utilizing the practice of permits (MCL 224.19b);

WHEREAS, the Michigan Legislature deferred the authority to the Michigan County Road Agencies to determine when a wireless facility or wireless support structure "materially impacts" traffic safety, clear vision, drainage, pedestrian facilities or other public utilities;

WHEREAS, the Michigan Legislature deferred the authority to the Michigan County Road Agencies to determine when maintenance practices by the wireless providers while performing "routine maintenance of a small cell wireless facility, utility pole or wireless support structure" MCL 460.1015(5) unreasonably affects traffic patterns or obstructs vehicular or pedestrian traffic in the ROW;

NOW THEREFORE BE IT RESOLVED, the Cheboygan County Road Commission hereby adopts the following uniform definitions to clarify the MCL 460.1301 et seq;

a. The road commission shall in its sole discretion determine whether the placement of any pole, facility or other unprotected hazard impacts a clear vision zone or traffic control device based on: the posted speed, street alignment, proximity to curves, driveways, traffic control devices and pedestrian traffic.

- b. The road commission shall in its sole discretion determine whether the placement of any pole or facility impacts traffic safety based on: distance from the traveled portion of the road, the posted speed, street alignment, proximity to curves, driveways, traffic control devices and pedestrian traffic.
- c. The road commission shall, in its sole discretion, determine whether the placement of any pole or facility impacts the drainage system or the ability of the Road Commission to maintain the drainage system based on: the proximity to the drainage system, additional work and/or costs necessitated by placement of the pole or facility in relation to the drainage system, the potential for damage to the drainage system from maintenance or repairs to any pole or facility.
- d. The road commission shall in its sole discretion determine whether the placement of any pole or facility impacts the pedestrian access or movement; to assure that proposed facilities are in compliance with the Americans with Disabilities Act Of 1990, Public Law 101-336, or federal, state, or local standards.
- e. The road commission shall in its sole discretion determine whether the placement of any pole or facility impacts the maintenance or full unobstructed use of public utility infrastructure as it was originally designed.
- f. Routine maintenance includes routine work that does not unreasonably affect traffic patterns or obstruct vehicular or pedestrian traffic in the ROW, such as but not limited to: the travel lanes, the road shoulders, drainage systems, non-motorized facilities, traffic control devices or involve any excavation in the road right-of-way. The Agency should require notification in advance of routine maintenance on the initial CRA 100 SC permit, to assure the road agency is notified in advance to determine if the work involves impacts to any of the items listed above.

5 Yeas

CARRIED

MOTION by K, Paquet seconded by H. Ginop to adopt the new CRA 100 WP Permit form as presented for Wireless work within, occupy, maintain or temporarily close a county road right-of-way as presented. 5 Yeas

CARRIED

MOTION by D. Brandt seconded by R. LaHaie to adopt revised Policy #60 as follows for Communication Service Provider Facilities with Highway Right-of-Way:

Permit Policy for Safely Allowing Limited Wireless Facilities, Wireless Support Structures, and Utility Poles Access Within the County Road Right-of-Ways

WHEREAS, the Board of County Road Commissioners for the County of Cheboygan (the "Board" or "Road Commission") is a body corporate with the statutory mandate created by MCL 224.9 to formulate policy and to perform those official duties imposed by law or delegated by the Cheboygan County Board of Commissioners; and

WHEREAS, real property interests—including easements, various fees, and the right to regulate related to the use of public right-of-ways within the county road system—have been vested in the Road Commission to be held in trust for the benefit of the public; and

WHEREAS, the Road Commission intends to discharge its obligations as trustee of those certain real property interests in a manner that benefits and protects the public generally, and any adjacent landowners specifically; and

WHEREAS, Article 7, §29 of the Michigan Constitution of 1963 reserves to county road commissions the reasonable control of their highways, streets, alleys and public places, and specifically prohibits any person, partnership, association or corporation, public or private, from operating a public utility within the highways, streets, alleys and public places of any county without first obtaining the consent of the duly constituted authority of the county road commission; and

WHEREAS, MCL 247.184 requires the consent of the Road Commission before any public utility may construct wires, cables, poles or like structures upon, over or under a county right-of-way including any improved highway or bridge; and

WHEREAS, MCL 224.19b(1) requires any person, partnership, association, corporation or governmental entity to obtain a permit from the Road Commission (and the applicable township, city or village if required by those entities) before constructing, operating, maintaining or removing any facility or performing any work within a county highway right-of-way; and

WHEREAS, MCL 224.19b(2) empowers a county road commission to adopt reasonable permit requirements and a schedule of fees sufficient to cover the necessary and actual costs applied in a reasonable manner for the issuance of the permit and for review of the proposed activity, inspection and related expenses; and

WHEREAS, MCL 691.1402 charges a county road commission with maintaining highways under its jurisdiction in reasonable repair so that they are reasonably safe and convenient for public travel; and

WHEREAS, MCL 460.1301, et seq., provides for the regulation by state or local governmental authorities of the activities of wireless infrastructure providers and wireless services providers and of wireless facilities, wireless support structures, and utility poles; and

WHEREAS, communications technologies are constantly evolving, resulting in the potential for proliferation of communication service facilities within the public right-of-ways which carry the potential, if not appropriately managed, to jeopardize the safety and convenience of the public; and

WHEREAS, those seeking to install and operate wireless facilities, wireless support structures, and utility poles within county highway right-of-ways to meet demand for such service, gain a pecuniary profit therefrom; and

WHEREAS, certain entities seeking to install wireless facilities, wireless support structures, and utility poles claim public right-of-way access by virtue of MCL 460.1301, et seq., regarding which the Road Commission specifically reserves its right to challenge this claimed right-of-way access through any appropriate legal means; and

WHEREAS, the Road Commission has made significant investments of time and resources in the acquisition, construction, repair and maintenance of the public right-of-ways under its jurisdiction, for the principal purpose of making such rights-of-way safe and convenient for public travel, and such investment has enhanced the utility and value of those public ways; and

WHEREAS, the public right-of-ways under the Road Commission's jurisdiction are used by and

useful to private or public enterprises including wireless infrastructure providers and wireless services providers and others engaged in providing wireless services to citizens, institutions, and businesses that are served by the county highway system; and

WHEREAS, the right to access and/or occupy portions of such public right-of-ways for limited times, for the business of providing wireless services is a valuable economic privilege; and

WHEREAS, beneficial competition between providers of wireless services can be furthered by the Road Commission's consent to locate within and for rights to use the public right-of-ways on non-discriminatory and competitively neutral terms and conditions; and

WHEREAS, the Applicant is a private or public enterprise engaged in installing facilities related to and/or providing various wireless services; and

WHEREAS, the Road Commission will grant its consent pursuant to its constitutional and statutory authority to manage and control its public right-of-ways, and will issue a permit to a wireless services provider or a wireless infrastructure provider in consideration of the terms and conditions set forth herein:

1. Purposes

The purposes of this Policy are to balance the interests of protecting the public from harm with the interests of the public and applicants in the expansion of wireless services via the preceding and following statements of interest:

1.1 Establish a local policy concerning wireless services for use of the public right-of-ways that is consistent with MCL 460.1301, et seq., and also serves the Road

Commission's statutory mandate to make the rights-of-way under its jurisdiction safe for public travel;

1.2 The Road Commission specifically reserves its right to alter, amend and adjust this policy where public safety or convenience requires on a per application basis;

1.3 Establish a local policy that promotes beneficial competition between wireless services providers and wireless providers on non-discriminatory and competitively neutral terms and conditions; and that ensures that the Road Commission retains the

- authority and ability to act to protect the public safety and welfare in the face of multiple rapidly-changing industries, including the wireless communications industry, that are placing increasing demand on public property and resources;
- 1.4 Consistent with constitutional, statutory and administrative regulatory mandate, establish clear and nondiscriminatory local guidelines, standards and time frames for the exercise of local authority with respect to the regulation of the use of public right-of-ways by wireless services providers and wireless providers, and their respective facilities and licenses;
 - 1.5. Consistent with constitutional, statutory and administrative regulatory mandate, permit and manage reasonable access to the public right-of-ways under the jurisdiction of the Road Commission for wireless services purposes on a competitively neutral basis, to the extent required by law;
 - 1.6 Consistent with constitutional, statutory and administrative regulatory mandate, conserve the limited physical capacity of the public right-of-ways held in trust for the benefit of the public by the Road Commission, and over which the Road Commission shares jurisdiction with other governmental entities;
 - 1.7 Assure that the Road Commission's current and ongoing actual costs of granting and regulating access to and use of its public right-of-ways are fully paid by the persons seeking such access and causing such costs;
 - 1.8 Secure fair and reasonable compensation to the Road Commission and the residents of Cheboygan County, in a nondiscriminatory manner, for permitting use of the public right-of-ways;
 - 1.9 Encourage economic development while preserving aesthetic and other community values and preventing proliferation of above ground facilities;
 - 1.10 Assure that all persons or entities providing wireless services within public right-of-ways in the county highway system comply with all state, federal and local laws and administrative rules and regulations;
 - 1.11 Enable the Road Commission to manage its obligations to the public generally, and adjacent landowners specifically, consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development; and
 - 1.12 Reserve to the Road Commission and provide for the fullest exercise possible of its authority and discretion to require that:
 - 1.12.1 Wireless facilities, wireless support structures, and utility poles are installed and maintained within public right-of-ways under the jurisdiction of the Road Commission in such manner and at such points so as not to inconvenience the

public use of the public right-of-ways or to adversely affect the public safety and welfare;

1.12.2 Consistent with constitutional, statutory and administrative regulatory

mandate, all wireless services providers and wireless infrastructure providers using the right-of-ways under the jurisdiction of the Road Commission shall be required to defend, reimburse, indemnify and hold harmless the Road Commission for the all costs, fees, expenses and damages incurred by the Road Commission by reason of the construction or presence in the public rights-of-way of the facilities of such users.

Further, that insurance and bonding be secured to assure that such defense, reimbursement and indemnity is available.

2. Definitions

2.1. This Policy adopts the definitions set forth in MCL 460.1301, et seq., Any words

not defined in those statutes shall be construed consistent with Title 47 of the United States Code and Chapter 484 of the Michigan Compiled Laws. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law are renumbered, then the reference shall be read to refer to the renumbered provision. References to laws, ordinances or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances and regulations now in force or hereafter enacted or amended. "Applicant" means any person applying for a right-of-way permit pursuant to MCL 460.1301, et seq.

2.2 "Person" means an individual, partnership, cooperative, association, private corporation, public corporation, utility, personal representative, receiver, trustee, assignee, governmental entity or other legal entity.

2.3 "Permit" or "right-of-way permit" as used herein means the Road Commission's legal authorization, terminable as defined in the permit, to use a particular, discrete, and limited portion of the public right-of-way to construct, operate, or repair a wireless support structure, wireless facility, or utility pole, including any permit special terms and conditions. The term "permit" or "right-of-way permit" shall not mean or include:

2.3.1 Any other permit, authorization, agreement or franchise required for the privilege of transacting and carrying on a business within the applicable county, city, village or township required by state or local law;

2.3.2 Any other permit, authorization or agreement required in connection with operations on public streets or property.

- 2.3.3 Any other permits, authorization or agreements required for occupying any public or private property to which access is not specifically granted by statute or by the right-of-way permit.**

3. Policy Guidelines

The administration of this Policy shall be governed by the following Communication Service Provider Facility policy guidelines:

3.1 The Road Commission supports efforts to establish an open, competitive

marketplace for wireless services that also serves the Road Commission's statutory mandate to promote safety and convenience in the use of public right-of-ways under its jurisdiction. The Road Commission promotes and encourages competition for wireless services that make the latest and best technology available and keep service prices affordable for all county residents and businesses. An integral component of this open marketplace is the consistent application of regulations to all wireless services providers and wireless infrastructure providers and the preservation of local authority over matters of local impact.

3.2 The Road Commission recognizes that to balance the needs and interests of the

public in the management of the right-of-ways together with the desire of the

wireless services and wireless infrastructure services industries to access such right-of-ways, facilities supporting wireless services may be integrated into the right-of-ways in conformity principally with community standards, also taking into account industry standards and best practices. Guidelines identifying community standards together with an understanding of industry standards and best practices may be incorporated into the terms and conditions of the Road Commission's right-of-way permit and permit process and may change from time to time, in the Road Commission's sole judgment and discretion.

3.3 Use/Installation Priority Preference Considerations

3.3.1 The Road Commission's primary goal is to make and maintain the right-of-ways under its jurisdiction safe and convenient for public travel. To further this goal, the Road Commission recites the following siting priority preferences, which shall be enforced wherever possible under existing constitutional, state, and federal law, as well as any applicable administrative rules and regulations, in the Road Commission's discretion:

3.3.1.1 Collocation on an existing facility outside the right-of-way shall be preferred to collocation on an existing facility within the right-of-way.

3.3.1.2 Locating a new wireless support structure or utility pole outside the right-of-way shall be preferred to locating a new wireless support structure or utility pole within the right-of-way.

3.3.1.3 Collocation on an existing wireless support structure or utility pole within the right-of-way shall be preferred to locating a new wireless support structure or utility pole within the right-of-way.

3.3.1.4 Locating a new wireless support structure or utility pole in the right-of-way shall only be permitted when the Applicant demonstrates, in the Road Commission's judgement, that locating a new wireless support structure or utility pole outside of the right-of-way, or collocating on any existing facility, is not possible or practical.

3.3.1.5 Where possible and practical, wireless facilities will be required to be located below ground where other existing facilities or structures are located below ground.

3.3.2 Collocation Guidelines

3.3.2.1 Consistent with constitutional, state, and federal law, as well as administrative rules and regulations, all permit applications shall be subject to collocation with existing structures where possible and practical. Mandatory future collocation of all subsequent wireless facilities shall be required where possible and practical for any newly authorized structure under this Policy.

3.3.2.2 Any application that is not for a collocated wireless facility must contain a statement justifying why collocation is not possible or practical. Such statement shall include:

3.3.2.2.1 Such structure and technical information and other justifications as are necessary to document the reasons why collocation is not possible or practical, including all communication of denials of collocation requests from 3rd party entities; and

3.3.2.2.2 A list of all eligible support structures and alternative structures considered as alternatives to the proposed location.

3.3.2.2.3 A written explanation why the alternatives considered were not possible or practical due to technical or physical constraints.

3.3.3 Consistent with constitutional, state, and federal law, as well as administrative rules and regulations, stealth installations or otherwise aesthetically consistent designs shall be required at the discretion of the Road Commission and will generally be similar to the existing infrastructure in the area.

3.3.4 Consistent with constitutional, state, and federal law, as well as administrative rules and regulations, new structures shall be limited to 40 feet in height, unless otherwise shown to be needed by the applicant based upon the technical characteristics of the area or other considerations, including

collocation. The dimensions of new facilities will generally not be permitted to exceed existing infrastructure in the same vicinity.

- 3.3.5** To the greatest extent possible and practical, placement of such wireless support structures and utility poles in Industrial Zones shall be preferred, followed by Commercial Zones, followed by Residential Zones.
- 3.3.6** Where possible and practical, location on private property shall be preferred to location on public property.
- 3.3.6.1** An application shall contain a statement explaining all alternative sites considered, including private property, and why such alternatives are not possible or practical.
- 3.3.7** The Road Commission will manage access to the public right-of-ways for wireless services providers and wireless infrastructure providers in a nondiscriminatory, competitively neutral and nonexclusive way to the extent required under applicable law and, to the extent allowed under applicable law, to receive fair compensation. The public interest will be protected by collecting associated fees and administrative costs for use of the public right-of-ways under the jurisdiction of the Road Commission.
- 3.3.8** Right-of-way permits for location of wireless facilities and all supporting equipment and wireless support structures will be managed to preserve the integrity of the county highway system's infrastructure, ensure efficient use of the property under the jurisdiction of the Road Commission, and ensure compliance with state, federal and local law.
- 3.3.9** In order to effectively manage and regulate the use of public right-of-ways under the Road Commission's jurisdiction in the best interests of the public, it is necessary for the Road Commission to reserve and exercise all proprietary, legislative, administrative and discretionary authority it may have to the full extent allowed or not prohibited by law and nothing in this policy shall be construed to diminish or in any way to limit the proprietary, discretionary, administrative or legislative authority
- of the Road Commission and its officials as respects the management and use of the Road Commission's public right-of-ways or in respect to the granting, delaying, or denying any right-of-way permit.

4. General Provisions

- 4.1** No wireless services provider or wireless infrastructure provider shall install, construct, or otherwise place within public right-of-way under the jurisdiction of the Cheboygan County Road Commission any wireless facilities, wireless support structures or utility poles except pursuant to the provisions of this Policy.

- 4.2 A wireless services provider or a wireless infrastructure provider must obtain a right-of-way permit under this Policy from the Road Commission prior to constructing any wireless facilities, wireless support structures or utility poles within a right-of-way under the jurisdiction of the Road Commission. The fact that a particular permitted wireless support structure, wireless facility, or utility pole may be used for multiple purposes does not obviate the need to obtain a permit for such purposes unless applicable federal or state law prohibits the Road Commission from requiring such additional permit or permits. No permit shall become effective without the grantee signing an acceptance of the permit.
- 4.3 A wireless services provider or a wireless infrastructure provider must provide a complete written right-of-way permit application on a form prescribed by the Road Commission, along with all requested supporting documentation.
- 4.4 If a right-of-way permit is granted pursuant to this Policy, a wireless services provider and a wireless infrastructure provider must agree to abide by the terms and conditions imposed by the permit and any permit special terms and conditions.
- 4.5 A right-of-way permit under this Policy shall not convey equitable or legal title to the public right-of-ways. The right granted is only the right to occupy those portions of the public right-of-way to which the Road Commission has the right to grant access, for the purposes and the time period stated in the permit, and the right may not be subdivided or subleased. A right-of-way permit shall not grant a vested right for any wireless facilities, wireless support structures or utility poles to be located or to remain at any specific location in the public right-of-way and any right, permission or consent to occupy any location in the public right-of-way shall be revocable and terminable at the discretion of the Road Commission and the facility therein removed at the cost of the operator in order to allow free and unencumbered use of the public right-of-way for public work or other public purpose as may be in the best public interest as determined by the Road Commission.
- 4.5.1 A wireless services provider or a wireless infrastructure provider shall immediately (subject to seasonal work restrictions) restore, at its sole expense, in a manner approved by the Road Commission, any portion of the public right-of-way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the wireless facilities, wireless support structures or utility poles, to a reasonably equivalent or better condition as that which existed prior to the disturbance. In the event that the wireless services provider or wireless infrastructure provider, or its contractors or subcontractors, fail to make such repair within a reasonable time, the Road Commission may make

the repair and the wireless services provider or wireless infrastructure provider shall pay the costs the Road Commission incurs for such repair.

4.6. No reference herein, or in any right-of-way permit under this Policy, shall be deemed to be a representation or guarantee by the Road Commission that its interest or other right to control the use of such property is sufficient to permit its use for such purposes, and a permit shall be deemed to grant no more than those rights which the Road Commission may have the undisputed right and power to give.

4.7 Before any right-of-way permit will be issued, a wireless services provider or wireless infrastructure provider must demonstrate that it has obtained the necessary permits and/or consent of all units of state, local or federal government vested by law with the authority to require and grant permits and/or consent.

5. Fees and Costs.

5.1 To the full extent permitted by law, recovery of all Road Commission costs related to the issuance of a right-of-way permit, or a consent fee, may be charged to a wireless services provider or wireless infrastructure provider related to its installation and maintenance of wireless facilities, wireless support structures or utility poles in the right-of-way. Any such permit fee shall be approved by the Board of County Road Commissioners.

5.2 Pursuant to applicable constitutional, federal and state law, and administrative rules and regulations, the wireless services provider or wireless infrastructure provider shall provide security, in a manner acceptable to the Road Commission, to ensure compliance with its obligations under Section 4.5 and 4.5.1 of this Policy to remove wireless facilities, wireless support structures or utility poles, and restore the adjacent right-of-ways at the termination of any Permit.

5 Yeas

CARRIED

MOTION by D. Brandt seconded by H. Ginop to receive and file the following correspondence: Township Meeting Minutes: Tuscarora 3/5/19, Burt 3/7/19, Grant 1/8/19 and Mackinaw 3/19/19 and March 2019 State Maintenance. 5 Yeas

CARRIED

Engineer/Manager Shank Update:

- Task Force Meeting Montmorency, Friday, April 5, 2019. K. Paquet will be going with Eng/Mgr Shank
- Attended MTA at Tuscarora Township-discussed proposed road funding and Grant Siding Road abandonment request
- Pre Con Meetings Thursday and Friday
- Mann Road project will be let Friday, April 5, 2019
- Still local match allocation monies available, there are multiple estimates that have been sent out, hoping that will be used up

Foremen Update:

D. August-Patching, thawing a couple culvert, maintenance on garage and equipment, Rondo Pit getting ready for gravel and opening up, beaver on Trowbridge Road, brushing and a little winter maintenance.

S. Redmond-Grading, patching, thawing culverts, cleaning snow out of ditches, washing equipment, opening Meyer Pit up and ready for gravel and cleaning up trees on 23

R. LaHaie-Good Job Crew!

K. Paquet-any movement on Woodruff Street access by Mullett? CCRC has notified them multiple times requesting Mullett to pursue. Old Mackinaw Road feel we should revisit what we are going to complete. Eng/Mgr will bring back to next meeting with actual estimate and options.

MOTION by R. LaHaie seconded by H. Ginop to go into closed session after a short recess to discuss ratifying the Union Contract with Local 1325, Affiliated with Michigan Council #25 AFSCME. Roll call: Brandt-yes, Paquet-yes, LaHaie-yes, Ginop-yes, Brown-yes CARRIED

Recess regular meeting at 9:55 A.M.

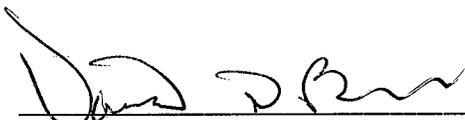
Return to regular session at 9:57 A.M.

Closed session at 9:57 A.M.

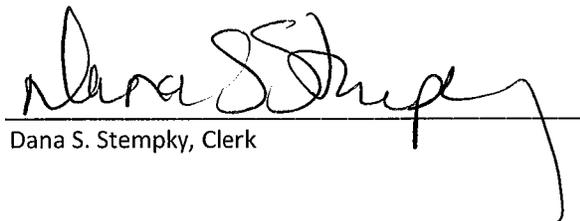
MOTION by D. Brandt seconded by K. Paquet to return to open session at 10:10 A.M. Roll call: Paquet-yes, LaHaie-yes, Ginop-yes, Brandt-yes, Brown-yes CARRIED

MOTION by D. Brandt seconded by R. LaHaie to ratify Union Contract with Local 1325, Affiliated with Michigan Council #25 AFSCME and allow Engineer/Manager Shank, Clerk Stempky and Chairman Brown to sign the same. Based on the condition the Union Representative signs contract with the understanding and approval of the changes made to contract. Roll call: Ginop-yes, Brandt-yes, Paquet-yes, LaHaie-yes, Brown-yes CARRIED

Chairman D. Brown adjourned regular meeting at 10:15 A.M. being no further business to come before the Board.



David D. Brown, Chairman



Dana S. Stempky, Clerk