

Minutes
LAFAYETTE TOWNSHIP BOARD OF TRUSTEES
Special Meeting
Monday, August 19, 2019

Members Present: Trustee Lynda Bowers, Trustee Michael Costello, Trustee Martin Warchola, Legal Counsel- William Thorne, Owner's Representative- Bill McDonald, James Magda- Knoch Corporation, Ed McCall- McCall Sharp Architecture, Assistant Fire Chief- Tim Holzman, and Dave Young

Meeting called to order: 2:30 p.m.

Mr. Magda will be meeting the Masonite Door manufacture representative on Wednesday to determine if any doors are salvageable and to determine if the doors have been properly finished to manufacturer recommendations. He said currently there are ten doors that remain unfinished. Mr. McCall said the finished doors that are currently hung have grit on them which is indicative of improper sanding and prep work. Mr. McDonald does not believe that any of the doors that have been finished thus far are salvageable. He reminded Mr. Magda that Knoch received a ten day notice to correct the wood door issue with today being the tenth day. The issue is still not resolved other than scheduling for the representative to meet at the site. Trustee Costello said the door issue has been an ongoing problem since May and recommended the township hire out for proper finishing of the interior wood doors. Mr. Thorne reminded Knoch had ten days to commence not finish the doors. Mr. McCall believes the problem is not with the doors, it is with the finisher and Mr. Magda said he does not dispute. Discussion took place and it was determined the Owner would secure a finisher to complete the interior doors. Mr. McDonald requested thirty-one new doors be provided. He will deliver one door along with a wood sample color to Baughman Finishing for finishing. If the Board approves the finished door, the remainder thirty doors will be delivered to Baughman Finishing for finishing. Mr. Magda said he needs approval from Mr. Jim Fenske in order to proceed. Trustee Costello had a conversation with Mr. Fenske last week and informed him that if Knoch hadn't ordered the doors by today, Lafayette would be taking care of the wood doors.

Mr. Magda confirmed the asphalt contract date ended in May and he would need to review his emails to confirm the actual date. He said when Knoch was prepared to pave, the Owner elected not to pave. He explained when the Owner chose not to pave it removed supervision, time and funds allotted. Mr. Thorne said there is no contract end date. Trustee Costello said the email regarding the contract end date is inaccurate.

Mr. McDonald said Mr. Magda has taken the position that the \$57.20/cubic yard for undercut is no longer valid and now wants \$123.00/cubic yard due to the end date. Trustee Costello said Knoch cannot change the price that is listed in the signed contract and the township will not agree to the change in pricing. Knoch can file a claim if that's what they choose.

Mr. McDonald handed out a draft punch list for the interior of the building. Mr. McCall said there are additional electrical, mechanical and plumbing items that will be added to the list and will forward a completed, final, interior punch list tomorrow. Exterior and site punch lists will be completed soon. Mr. McDonald recommended to the Board, placing Knoch on a ten day notice to complete the interior punch list.

Assistant Chief Holzman reminded a test and inspection will need conducted. Mr. Magda said DiPietro was on site today and is going to forward a price for the leaking fire department connection, FDC, valve when the PIV is open.

The Owner and Carron requested Knoch inform DiPietro to remove the heavy equipment off site prior to asphaltting to prevent any damage. Mr. McDonald said no equipment should be on the pavement and reminded everyone there are cameras installed on the property. Mr. Magda said there are ways to remove equipment without damaging the asphalt. Mr. McDonald said as long as it is not over the asphalt. Mr. Magda confirmed DiPietro needs to complete the FDC valve, the removal of the dirt piles and spreading the topsoil. Mr.

McDonald marked on a drawing the work that still needs completed by DiPietro noting the major areas of concern.

Mr. McDonald stated Mr. Magda confirmed at a prior meeting the Owner paid Knoch 100% for the painting and materials for the wood doors yet, Knoch is withholding funds from the painter and from Midland Hardware, the door supplier. Mr. McDonald noted that Mr. Magda doesn't feel there is an issue with the wood doors yet he withheld payment. Discussion took place over the amount of money Knoch withheld from Midland Hardware and Young & Sons. Mr. McDonald believes the Owner is entitled to the funds for the wood doors.

Mr. Magda said if Knoch doesn't pay their suppliers and subcontractors, they are entitled to go after Knoch's bond or place a lien on the funds. Mr. Thorne explained the process the township will follow prior to releasing the retainage fee.

Mr. Magda does not believe the screens have been ordered because Team One does not believe they owe a revised screen detail. Trustee Costello said the former job site superintendent, Doug Elliott explained to Mr. McDonald that the screens were not correct because he was on vacation during the screen installation and there was no one else overseeing the installation. Mr. Magda said he would have still directed Mr. Elliot to have the improper screens installed. Mr. Thorne asked why he would direct improper screens to be installed. Mr. Magda said that is the way they arrived with no documentation to say they weren't correct. Mr. McCall said the drawings specified an operable window with a screen, a hole in the drywall, with a specification that a shade to be placed in the hole. On the drawings there is information referring to the screen. He said he feels some responsibility because in the window section they should have showed a screen to make it easier for the contractor and subcontractor to visualize. It is on the drawing utilizing dashes but he still assumes some responsibility. Mr. McCall said when they initially received the shop drawings from Team One for the screens and windows, they were completely incorrect which he still retains the copies. McCall Sharp corrected the drawings in red and sent them back. He originally offered to split the cost of the new screens with Knoch although he believes there are three parties that should have noticed the issue, the architect, the general contractor and the subcontractor, Team One. He now believes the cost should be split three ways to be fair. Trustee Bowers thanked Mr. McCall for the offer. Mr. Magda will contact Team One immediately after the meeting today in an attempt to rectify the issue with the screens and will have an answer tomorrow.

Trustee Costello stated there has not been a full time superintendent at the site as stated in the contract. He said during his unscheduled visits to the site, he has been approached by numerous contractors that require access to the building in order to complete necessary work. Trustee Costello was shocked when he asked Mr. Magda why a superintendent is not on site and his response was if the Owner was willing to pay \$66.69/hour plus mileage reimbursement for supervision of the work. Trustee Costello said it is already paid for, it is in the contract and proposed to the Board that every hour a superintendent is not on site, they will deduct from the retainage. Mr. Magda said he is honoring the terms of the contract. Mr. Magda refused to answer if he would honor the price for the stabilization and the full time site superintendent. Trustee Costello reminded there is a \$250.00/day liquidated damage fee for every day past March 15, 2019 that Knoch is not complete. Mr. Thorne said the asphalt and superintendent are separate issues, although they are in the contract, the resolution is different. Mr. Thorne will discuss with the Board at a different time.

Mr. McDonald stated ADT will be testing the alarm Wednesday, August 21st at noon. R&L, Speelman, Carron will all be at the site tomorrow.

Trustee Bowers said, "It is commonly believed among townships that contractors tend to under bid townships differently than they would a city because they don't have the necessary resources to watch the project. Knoch is a company that sent the township a letter saying if we didn't accept this bid, they were going to sue us before we had even decided what bids we were going to accept. You seriously wanted this project. Should've been able to perform this project. According to the information that I have and was just mentioned right now, we are a little more than six months beyond the completion date that was estimated. That has to be costing Knoch. Now, I suspect that most townships don't have a seasoned project engineer of their own that worked for a large construction company on staff, we do. Most townships don't have an attorney watching all the contract

documents on staff, we do. If it was under bid, and I am just saying if, it is not our problem, Knoch asked for this and they have to finish the contract and we have a responsibility and I think you know that we are going to do it. We are going to get the last groan out of every buffalo on every nickel for the taxpayers' dollars of this township. That's our responsibility and we are going to do it. It is greatly to your advantage, regardless of where you are sitting on this contract right now to get it done. We want it done. We are not going to pay more for it. We are not going to let go of money that we shouldn't let go of. Just get it done. You want away from us as much as we want away from this project too. You can't look forward to these meetings, none of us do either. I know they have gotten frustrating, they are frustrating on this side and frustrating on your side."

Next meeting scheduled for Friday, September 6, 2019 at 2:30 p.m.

The Grand opening is scheduled for Sunday, October 27, 2019 1:00 p.m. to 3:00 p.m.. It will be a combine open house/fall festival. The children can trick-or-treat all the township vehicles/equipment and Ms. Buell will work to secure some sort of entertainment for the children. Trustee Bowers will contact Mr. Albrecht to see if the township can borrow his wagon for hayrides.

Meeting adjourned at 3:25 p.m.

Approved: _____

Martin Warchola, Trustee

Lynda Bowers, Trustee

Michael Costello, Trustee

Shirley Bailey, Fiscal Officer