

Minutes  
LAFAYETTE TOWNSHIP BOARD OF TRUSTEES  
Special Meeting  
Tuesday, April 2, 2019

**Meeting called to order:** 9:16 a.m.

**Members Present:** Trustee Lynda Bowers, Trustee Michael Costello, Trustee Martin Warchola, Legal Counsel William Thorne, Bill McDonald, Fire Captain Michael Savetski

Trustee Costello announced a letter was received from Knoch Corporation regarding issues at the construction site of the new Lafayette Township Safety Services building. Mr. James Magda, Knoch Corporation, is requesting concessions on behalf of the township. Review and discussion of the letter took place. Mr. McDonald confirmed the pre-engineered metal building was not delivered until December 21, 2018 and left untouched for approximately two months with some of the parts still sitting. Trustee Costello stated a 21 day extension without liquidated damages had been previously discussed. Knoch Corporation is now requesting an additional three weeks without liquidated damages. Mr. McDonald said the majority of the concerns stated in the letter have been previously addressed with Knoch.

Discussion took place regarding Knoch's reference to approximately \$19,000.00 in overages concerning the asphalt. The Board agrees there was a time issue in the response to the easement, but noted that Knoch contacted the township the day prior to the asphalt plant closing for the season to receive a response from the township. Trustee Costello noted not all the electrical poles had been tied together which would have prevented the asphalt from occurring. Mr. McDonald stated per industry standard, he would have never allowed the asphalt to take place due to all the heavy equipment and traffic that needed access during construction, as it would have destroyed the asphalt and this was discussed at one of the first few construction meetings. Mr. Magda admitted the asphalt was previously purchased without extra mobilization in an attempt to save money.

Mr. Ed McCall and Dale Keeran, McCall Sharp, reviewed the letter and both feel there is no merit to the letter nor to the money requested. They do not feel the township should pay any of the requested additional funds. Mr. McDonald agrees and does not feel Knoch is warranted any of the fees.

Trustee Costello feels Knoch is unhappy the project is taking longer than anticipated. He said he feels the weather was a minor issue. Knoch didn't have sufficient control over the delivery of the pre-engineered metal building and not having the subcontractors scheduled on a timely basis are more of the major problems that led to the delay. Trustee Costello said this is not the township's issue nor are the taxpayers of the township, Village of Chippewa Lake and Gloria Glens responsible. The Board agrees that improper scheduling by Knoch is not the township's responsibility.

Discussion regarding the roof start date took place. Trustee Warchola feels bullet point "B" of the letter infers the roof was to start on March 29<sup>th</sup> with an anticipated 3 week lead time. Everyone agreed the letter is not very clear. Mr. McDonald said he believes Mr. Magda is referring to the date from the change agreed upon adding the roof liner panel and insulation which requires electrical work to be performed prior to the installation of the roof. Prior to the liner panel change, Knoch planned to install the roof and run the conduit after installation. Mr. McDonald stated the conduit could have been installed several weeks to a month ago.

Mr. McDonald confirmed there is drywall work, i.e. taping, mudding etc. that needs completed prior to Warwick starting.

The letter from Knoch states it took sixty days to have a full agreement with the owner. Trustee Costello pointed out this was part of the bid spec and Knoch should have bid accordingly and planned accordingly, as this is standard. It was noted that Knoch did not mobilize nor start for several weeks after the contract was completely finalized.

Mr. McDonald stated the easement to perform electrical work is what Knoch is referring to and is on Nexus' line. it only affected one light pole base near the catch basin which required regrading due to Nexus. Mr. McDonald said the easement didn't hold up progress as the work was off to the side and out of the way. He was not willing to allow the asphalt work to take place during the heavy construction phase.

Trustee Bowers has reviewed all the communication from Knoch and feels they are "reaching". Trustee Bowers said she is thankful to have a knowledgeable owner's representative that has been monitoring the project closely and thankful for the townships legal counsel. Mr. Thorne stated there was discussion at last month's meeting concerning the additional costs that are associated with construction extensions. Mr. Thorne reminded the contract contains specific language addressing this and the township's responsibility would be an extension of time if delays arose. Mr. McDonald believed the 21 day extension was a compromise the township was willing to offer. Mr. Thorne recommends the not approving the 21 day extension resulting in a \$5,250.00 concession until the issues are resolved. The Board of Trustees agreed and agreed Knoch bid the job and is responsible.

**Trustee Costello made a motion to reject all requests for additional financial obligations stated within Knoch's project delays letter and Mr. Thorne and Trustee Costello draft a letter in response to Knoch's requests. Trustee Warchola seconded the motion. All voting in favor.**

Mr. Thorne confirmed there is nothing in addition to a separate budget that needs to take place with the Gloria Glens redistricting. Mr. Thorne requested Trustee Bowers forward him a copy of the correspondence received from the Medina County Auditor's office for him to review.

Mr. Thorne stated the "hold harmless" clauses in the portable toilet contract need to be redacted in order for the township to sign. Trustee Bowers initialed the redacted areas and Mr. Thorne recommended Great Lakes Portable also initial in order to proceed.

Mr. Thorne said the ODOT Road Salt Contract is from the state which contains a "hold harmless" clause but gave permission to proceed.

**Trustee Bowers moved to approve the 2019 Ohio Department of Transportation Road Salt bid participation. Trustee Costello seconded the motion. All voting in favor.**

Discussion concerning the First Communications contract took place. Mr. Thorne marked the changes to the contract and will have Ms. Buell forward the contract containing the specific changes to Mr. Biddle at First Communications.

**Trustee Warchola made a motion to approve the March 2019 requisitions in the amount of \$3,517.04. Trustee Bowers seconded the motion. All voting in favor.**

**9:47 a.m. Trustee Bowers moved to recess into executive session for the purposes of discussing employment and compensation pursuant to Ohio Revised Code 121.22G1 and invited into executive session Mr. Thorne, Mr. Michael Savetski.**

Roll Call Vote: Warchola-yes, Bowers-yes, Costello-yes

**Trustee Warchola moved to adjourn executive session and reconvene to the special meeting.**

**Roll Call Vote: Warchola-yes, Costello-yes, Bowers-yes**

Discussion regarding dirt for the baseball fields was discussed.

**Trustee Warchola moved to approve baseball field dirt in an amount not to exceed \$1,600.00. Trustee Bowers seconded the motion. All voting in favor.**

**Trustee Warchola made a motion to accept the Great Lakes Portables contract with initialed redactions. Trustee Bowers seconded the motion. All voting in favor.**

Trustee Bowers gave an explanation of when there was an exchange of property between the township and the Roadside Inn. The Roadside Inn's septic system is on township property. The agreement at the time of the exchange was if they need to maintain or repair work agreements on township property could be reached. However, if sewer was ever offered the Roadside would need to connect. Ohio Environmental Agency is requiring the Roadside to replace their septic system. The Roadside wants to replace the septic at Memorial Commons and not on their own property. The Board of Trustees cannot allow the Roadside to expand on public property.

Discussion regarding a replacement welder for the service department took place. Service Supervisor, Mr. Evans explained that he has been taking several items off site for welding services and feels the amount spent the township could purchase a new welder saving both time and money. Mr. Evans submitted a quote.

**Trustee Bowers made a motion to approve the purchase of new welder in an amount not to exceed \$4,000.00. Trustee Warchola seconded the motion. All voting in favor.**

Ms. Buell informed the Board she is having difficulty securing a shredding company for the annual township clean-up day as all companies are already booked. Trustee Bowers will not be present on township clean-up day as she will be in Washington.

Trustee Warchola moved to adjourn, seconded by Trustee Warchola.

Meeting adjourned at 11:29 a.m.

Approved: \_\_\_\_\_

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Martin Warchola, Trustee

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Lynda Bowers, Trustee

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Michael Costello, Trustee

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Shirley Bailey, Fiscal Officer

### **MOTIONS and/or RESOLUTIONS**

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