

Minutes
LAFAYETTE TOWNSHIP BOARD OF TRUSTEES
Special Meeting
Monday, November 18, 2019

Members Present: Trustee Lynda Bowers, Trustee Michael Costello, Trustee Martin Warchola, Legal Counsel William Thorne, Owners Representative Bill McDonald, Assistant Fire Chief Tim Holzman

Meeting called to order: 3:05 p.m.

Mr. McDonald gave an update on the progress made thus far on the new Safety Services Building. He contacted Speelman Electric and addressed the electric outlets in the bunk rooms and the light sensor in the decontamination room. Mr. McDonald confirmed he did not receive a deadline in which Speelman will have the work completed. He said he has been contacting the sub-contractors himself and copying Mr. Magda, Knoch Corporation on his communications.

Mr. McDonald stated we are short the final two wood doors which will be delivered to Baughman Finishing tomorrow by Midland Hardware. Midland Hardware also has the metal hollow door for the gear room and will bring it when he delivers all the other hardware. Midland is still waiting on the push panic bar for the exterior door in the meeting room and anticipates delivery on Wednesday. Once Midland receives the push bar they will complete the remainder of the work. Mr. McDonald explained some of the work in need of completion is punch list items and some is additional work by the owner.

Assistant Chief Holzman inquired about malfunctioning door leading from the office to the long hallway. He believes the striker and the catch are off. Mr. McDonald is aware of the issue and has a list of items he has compiled. Mr. McDonald stated when Midland is on site all punch list items will be addressed. Mr. McDonald asked when Knoch anticipates being at the station to complete the items and has not yet heard back from Mr. Magda. Mr. McDonald confirmed the three exterior doors that were in question of being interior doors are per the specification and drawings and Mr. McCall has confirmed they are exterior doors.

Mr. McDonald received a quote of \$3,800.00 for the dumpster enclosure. The quote was to add additional posts and add on to the gate. Mr. McDonald feels the price is steep and the added posts are not needed. After discussion with Knoch Corporation, Mr. McDonald suggested eliminating the interior posts and hang the doors on the outside with a locking mechanism and he will perform this task himself. While reviewing the As Built Drawings he noticed the wood for the dumpster enclosure was to have an opaque stain/sealer which he does not believe was not completed. He will add this to the list.

Mr. McDonald reported the shower doors have been installed and will receive the invoice from the plumber for the difference in materials with labor at no charge. The screens have been delivered and are installed. Mr. McDonald confirmed 23 doors have been delivered and are awaiting the arrival of the other two doors. Once all doors have been received, Knoch Corporation

will be requested to hang the doors. Knoch will also be requested to make all other adjustments at that time as well. Mr. McDonald is keeping a running list of all items that need completion and/or attention

Mr. McDonald said there are several items not listed on the As Built drawings. He suggested not going through Knoch for completion and he will complete the items himself.

Mr. Thorne confirmed the township will not retain any money through the one year warranty period.

Mr. McDonald handed out a tabulation of the retainage hold he devised along with the current Pay APP #16 that has been received. Knoch is requesting \$122,000.00 and have \$80,000.00 held in retainage. He said currently we are retaining \$202,593.00 and suggests withholding \$116,734.00 and pay Knoch \$85,860.00. The major difference is in the liquidated damages. Mr. McDonald received communication from Mr. Magda of Knoch Corporation stating they will not accept liquidated damages. In depth conversation took place regarding the pay app. Mr. McDonald said it is important to note that the township should withhold the added 50% retainage.

Mr. McDonald stated change orders # 1 through 20 have been signed, approved and are completed, giving a brief explanation on each change order. He initiated change orders # 21 through 25 to which Knoch had agreed to but Mr. McDonald has yet to hear back from Knoch on the status. Mr. McDonald is concerned about the process in which the change orders are being handled and Trustee Costello explained the process in which change orders should occur. It was recommended the township reject the change orders since proper procedure was not followed. Mr. Thorne confirmed the township is only responsible to pay change orders that have been previously approved.

Mr. Thorne explained the legal procedures and claims the township is entitled to. He advised keeping the liquidated damages. Mr. Thorne will review the change order portion of the contract and advise accordingly. Trustee Costello reminded everyone that at the June meeting, Mr. Fenske stated there was approximately two weeks of work left to complete.

In depth conversation concerning pay app#16 took place. Trustee Bowers will confirm with Fiscal Officer, Shirley Bailey, the total amount paid out to Knoch Corporation to date. Mr. McCall requested he be informed if there are any disputable items on the pay app. Mr. McDonald recommends not paying Knoch anything from this point on until the work is complete. Mr. Thorne advised not to dismiss the liquidated damages and recommended retaining any additional costs the township could incur along with the approximate \$15,000 in credits per the contract. He said the township can legally hold retainage for any work anticipated needing completion along with any work Knoch has not performed. Mr. McDonald confirmed there is a paper trail regarding the current costs with the exception of \$3,750.00 manuals. Trustee Costello said Knoch is not agreeing to any liquidated damages and was told they intend to fight it to the fullest extent of the contract under Ohio law.

Trustee Bowers clarified with Mr. McDonald if \$85,860 is paid to Knoch it covers the work that has been completed, is not in dispute nor in question. Mr. Thorne said legally the township must pay the amount that covers for the work completed thus far. Mr. McDonald is comfortable having \$116,734 to complete the needed work in the event Knoch does not complete. Mr. Thorne

explained bond money is available if Knoch doesn't perform. He said typically construction companies do not like to have bond called as it makes it difficult to obtain a bond on future projects.

The Board contacted McCall Sharp and discussed the township feels Knoch is entitled to the \$85,860.00 based off the value of the work that still needs completed and the fact they did not take any liquidated damages out. Mr. McCall confirmed change orders are prior to work being done and everybody in agreement. Mr. McDonald said Knoch extended the frost slab for the concrete without having a signed change order prior. Mr. Thorne said the change orders submitted to Knoch for credit, which have not been signed by Knoch are for work that was not performed. Mr. McDonald believes Knoch will argue the staining of the doors. Mr. McCall said the reason the doors were sent to Baughman was not to have a factory finish it was to receive a quality finish on the doors which was not originally produced.

Mr. Thorne advised to reject pay app #16 and explain the amounts the township feels it is responsible to pay. Mr. McDonald said there has not been a pay app he has approved that has not been disputed first. He will contact Mr. Magda and explain the reason for the \$85,860 and a check will not be sent until the amount is agreed upon.

Trustee Costello said Mr. Magda said he is being contacted by sub-contractors for non-payment and the township is restricting Knoch from paying their sub-contractors which Trustee Costello said is not true.

Ms. Buell said she has been receiving calls the outdoor sign does not reflect the current time and she contacted Ms. Detchon and was informed she has been having difficulty with Brilliant Signs. Mr. McDonald said there is an issue with a sensor and Ms. Detchon is experiencing trouble communicating with the sign. Trustee Warchola will contact Ms. Detchon and discuss the issues and then contact Mr. Kunzen at Brilliant Signs.

Ms. Buell requested returning the samples that are no longer needed. Mr. McDonald will take care of them.

Meeting adjourned at 4:25 p.m.

Approved: _____

Martin Warchola, Trustee

Lynda Bowers, Trustee

Michael Costello, Trustee

Shirley Bailey, Fiscal Officer