



CHANNAHON FIRE PROTECTION DISTRICT

24929 S. CENTER STREET

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Board of Trustee Special Meeting Minutes

On the 26th day of September 2024, the special meeting of the Board of Trustees of the Channahon Fire Protection District held at fire station #1 was called to order at 9:00 a.m., pursuant to notice, at the Fire Station #1, 24929 S. Center St., Channahon, Illinois with the Pledge of Allegiance.

In attendance were President S. Rittof, Secretary M. Rittof, Trustee Montgomery, and Trustee M. J. McMillin. Chief Petrakis, Deputy Chief Toepper, and Executive Assistant Arnold were in attendance. Treasurer M. McMillin was not in attendance.

Attorney John Motylinski attended the meeting.

BUSINESS:

1. Station #2 Construction Updates: (Notes from discussion are attached)

There being no further or other business to come before the meeting, upon motion duly made by Secretary M. Rittof, seconded by Trustee M. J. McMillin, unanimously approved, the meeting adjourned at 10:11 a.m.

Respectfully Submitted
Jacque Arnold
Executive Fire Support Manager

TRANSCRIBED FROM THE RECORDING VIA WORD

Secretary M. Rittof

We have a quorum present, OK. We've had a lot of challenges. Mike joined the board and as you know Mike's in the construction business and does the bidding and everything. And so, Mike went through the contract in details and there's a lot of things that. We're questioning as far as whether the contractor complied, followed through, was responsible for that sort of thing. So, and the contractor is was at our last meeting and kind of. Appears. I'm not saying doesn't but appears to not even know what he agreed to in the contract. So, the thought was to have you come to see what our Options are what you know, just something that came up last is. When does the warranty period start, right? And he said, well, it started blah blah blah day, Mike's like well, did you provide us with this documentation? Because according to the contract, the warranty don't start till that document. You know that's just one example. So, Mike is kind of the guru of a lot of this stuff, so. Mike, if you want to just start maybe and go through it's.

Trustee M.J. McMillin

It's a mess. I think as far as the contract goes. You know in, you know every contract. It's just it's a, it's a binding agreement between, you know, two parties and Wegman is working for the fire district. It's supposed to be working in our best behalf or whatever in there's just a lot of things that I think from day one, it's just my opinion guys, put the facts. I made a pretty substantial list of stuff that's in the contract that I feel he's not complying to. Don't think it's intentional? I don't think so. But you know, we're down to the final closeout of the project.

Attorney J. Motylinski

Right, I saw you. Substantial completion certificate do we from June? I think that's what I saw on. Your home page is that now.

Trustee M.J. McMillin

Right there, substantial completion has a lot of binding power on how you move forward with the project and in. He didn't provide there at the last meeting anyway. He didn't. He seemed to think there might have been an e-mail or something.

Secretary M. Rittof

Yeah.

Attorney J. Motylinski

I'm looking at this one here is dated June 28th and it came from FGM.

Trustee M.J. McMillin

OK.

Secretary M. Rittof

OK. But doesn't the contract that was it came from FGM or Wegman or?

Attorney J. Motylinski

Yeah. So, the way that it works is that the architect sort of oversees that side of things, right, and if in their opinion substantial completion has been met, they're going to give you that certificate. And that of course has implications for what happens in. The contract and. Then for the correction for the architect does.

Secretary M. Rittof

So, the architect gives it or Wegman gives. Does the contract say that like?

Trustee M.J. McMillin

I did not see that, but then. The Fire District is supposed to agree. To the substantial completion. So, who did he send that? Letter to just looking at the ohh.

Attorney J. Motylinski

That was in. The stuff that chief has done.

Chief John Petrakis

I don't know if it's a terminology thing, but we call it a punch list and I've learned that a punch list and substantial completion, I guess are synonymous so. I we have not signed that document.

Trustee M.J. McMillin

Yet, OK, OK, here it is right here. Substantial completion of the work when it's achieved, the construction manager which is RC Wigman, right? Shall prepare a certificate kit of substantial completion.

Attorney J. Motylinski

OK.

Trustee M.J. McMillin

And then it goes on and on that. Construction manager and owner. Would agree upon it and then.

Then the warranty starts on that date, correct? Yes. OK.

Secretary M. Rittof

So, we've not got that.

Attorney J. Motylinski

You haven't signed this, or at least.

Chief John Petrakis

Not signed.

Secretary M. Rittof

But the contract says the contractor doesn't say the architect? Well, you're our employer, right?

Attorney J. Motylinski

But I think what chief is getting at. Though is, they may have sent you something that achieves the substantial completion idea without saying those words. The punch list, right? Hey, we're mostly done with this project.

We have a few little things to do in the end. That's the punch list.

Speaker 1

Right.

Attorney J. Motylinski

So, it's kind of like. Them mislabeling it may be but.

Secretary M. Rittof

But is it supposed to be in writing and say substantial completion agreement?

Trustee M.J. McMillin

Now is there.

Attorney J. Motylinski

I don't think it has to use those words, right?

Secretary M. Rittof

Well then why does it say they have to provide it in the contract.

Attorney J. Motylinski

What it says is they have to provide a certificate of substantial completion, right? Which?

Secretary M. Rittof

Yes.

Attorney J. Motylinski

You know in form make.

Secretary M. Rittof

I mean, I'm not saying what is generally acceptable, I'm saying legally. What does the? Contract say is.

Attorney J. Motylinski

The contract says that they have to give you. A certificate of.

Secretary M. Rittof

OK. So do we have a document that says certificate of substantial completion?

Attorney J. Motylinski

That I don't know, but I think.

Secretary M. Rittof

So, if they have not then that contract? Requirements have not been met.

Attorney J. Motylinski

But I think the counter argument would be, well, like, yeah, we gave you a punch list, though, and it's like the same thing.

Secretary M. Rittof

Right, but why doesn't it say substantial completion letter or punch list? Right.

Attorney J. Motylinski

So, I guess a lot of the things I'm going to tell you today with these construction.

Secretary M. Rittof

I mean, I think that's our problem is everybody just blowing stuff over and then we have issues and we're not getting good advice from you from our general contractor, from anyone, so.

Attorney J. Motylinski

So, my question is, why is the warranty attachment date interesting at this point.

Secretary M. Rittof

Because there's issues. Right, right.

Trustee M.J. McMillin

They, if supposedly they issued the substantial completion, the warranty starts and the building's not completed. And there's a. Lot of work that needs to get done over. And so, they're issuing warranties on substantial completion date.

Attorney J. Motylinski

Right. But at the same time we still have a if the contract is still live, notwithstanding when the warranty started attaching right? We haven't it a right to say, hey, this wasn't done correctly. Fix it. We paid you this to do this. You didn't do this. Make good on it, right. And I believe that there's a part in the contract that covers correction of work. Even so, as I understand it, even beyond the warranties. If there's something that's at issue with the construction, we have a right to demand. That you fix it or. We get to do it and charge it for it.

Secretary M. Rittof

OK, so here's that one issue right? And I don't mean to be on your case. Yeah, but it's upsetting me off. It seems like every time we have a construction project, the attorneys aren't on our side. The general contractor that's supposed to be, and we end up. Spending a bunch of extra money that costs the taxpayers and that's why we hired you to review the contract or whoever your firm, whoever reviewed it and we need you to be representing us, not talking way on how well we'll let this slide because it's not really the same thing.

No, I'm not saying that. No. Yeah.

Secretary M. Rittof

So, I just want to get that straight. John, you're representing us and we've got issues and we need to rely on you or we need to rely on another attorney to do that. OK. So, for instance, the black top, there's an issue with the black. And they claim that all while this happens, so we'll fix it by just sealcoating it. Now I'm not in Blacktop. He's in the construction business. We have issues with. That well if the warranty starts in June. On that black top, it's not done right, right. In our opinion, it should be done right. They're trying to work ways around. Fixing it, but they want to wait till the spring. So, if June is the date, if they say what their fix is going to be, which we don't necessarily agree. We got two months. If the warranty started in June, so that's a big issue because it's 100 and some \$1000 contact item.

Attorney J. Motylinski

OK. Have we made a claim on any of this? Have we said fix this? So, I mean, let's remember the warranty period is only for when you say, hey, I need you to fix this, right. It doesn't mean they have.

Secretary M. Rittof

Yes.

Secretary M. Rittof

OK, but what if they want to fix it in a way that we don't necessarily agree with?

Attorney J. Motylinski

And we say that's unacceptable. Do it right. And if you don't do that, right, we're going to withhold money.

Secretary M. Rittof

Well, the problem is we paid out all the money except retention against the board's direction. And I don't want to go there.

Trustee M.J. McMillin

And then so in in, in lieu of that as well that substantial completion word.

Comes into play with the retention. We're not legally can't hold that 190. Some thousand according to this contract you we got to pay that out. OK. So, we we're not going to if they want to push it, they could take that money that we are holding right now there's 100 and 190,000 left in retention. Attorney J. Motylinski If we're holding money, it's a bargaining chip, right? Whether or not we're compelled to do it with the contract, we could always just say FU sue us. But they're not going to do that because that gets messy.

Secretary M. Rittof

So then do we create our punch list that we have? You sent a letter to them. Demanding these be fixed. If before we accept.

Attorney J. Motylinski

Yes, that's the first step with any of those. Yeah. If we are displeased with any variety of.

Secretary M. Rittof

Because we're not getting anywhere. I mean, yeah, they're saying, well, there. Yeah, there's a problem that happened. But if we go to fix it, we might create a bigger problem. So just accept it the way it is and that that's the answers we're getting from them. Yeah. And we paid them to have a new building.

Attorney J. Motylinski

Right. Certainly. Right, right. And now you just have issues, right? Yeah. So, we need to.

If communicate, if we think that something is defective and needs to be fixed and their fix isn't going to work, we need to be on record saying no, no, no.

Trustee M.J. McMillin

Support back changes. We're talking about these fixes, these fixes that we're doing are not it's. Compliant with RC Wegmans means and methods. It's not compliant to the State of Illinois. We need to get that language in there. Did you find the set of drawings for the building. Right there. OK, we have a set of drawings there that was issued for construction, which has all the details on it. And if of the asphalt, the building, the grass in the language for that need is needs to be in there, that they conform to that to make these repairs.

Attorney J. Motylinski

Sure. Yeah. Right. So, I guess the question I have is what sort of defects are we talking about and what monetary value can we assign to them. Because this plays a role and if I have to go and sue somebody. What are we talking about as far as depth of a lawsuit?

Secretary M. Rittof

Well. I guess the question is, you know the black top, in our opinion, you know the question is, do we have a third party expert that can come, I mean, you know, chiefs not an asphalt. Company the asphalt guy believably tells the chief here's what we can do to. Fix it but, but is there a?

Trustee M.J. McMillin

Something real quick. You went into. You know how the asphalt was high and holding the water. They went in there with some kind of heater. They heated the asphalt and then rolled it, but when? They heated it. It dropped all the tar to the bottom, so now.

Trustee Montgomery

Yeah, that's exactly what would have been wrong.

Trustee M.J. McMillin

There's no tar up top now so. So, you know.

Trustee Montgomery

And seal coding isn't going to fix anything. It's nothing more to cool to paint. Yeah, if the integrity of the asphalt is bad, seal coating isn't the answer.

Attorney J. Motylinski

So that's our proposed fix then what would you like to see?

Trustee M.J. McMillin

Take it out and redo it. Per the plan, sure. Yeah.

Trustee M.J. McMillin

You know, the plan has elevations on the parking lot that weren't met, you know. So now they're. Going back to. Try these different fixes to remedy that. If it was built according to those set of drawings that everybody approved, we wouldn't be sitting.

Attorney J. Motylinski

OK, now if we had to take it upon ourselves to go do that, any idea how much that would cost?

Secretary M. Rittof

I mean, we know the contract amount right with the contractor.

Attorney J. Motylinski

No. Yeah, look, because it makes a big difference if we're talking about 5 grand or 50. No, we're talking hundred. Yeah, I know. It's talking big money here, but you have to keep in mind with any of this is if we're going to pick a fight, it's going to cost. To advance this right, it ain't free to go to court, and the worst possible scenario is we

go to court, we fight, we fight, we fight, we fight it, cause it goes years. You pay me a whole bunch of money and then OK, yeah. The court splits the. Maybe you're left with like maybe. I don't know if the whole project cost \$500,000 to remediate. You're given 250. You know, I don't want you to be underwater in the the end, right? So that's why I ask if there's a big chunk of money here, we're talking in the millions or the hundreds of thousands.

Secretary M. Rittof

Well, I'd say we're in the. Six figures.

Trustee M.J. McMillin

Yeah. Can you file a claim against his insurance?

Attorney J. Motylinski

Yeah. So, the next thing we could do, first of all game plan wise, overarching steps we need to write down everything we find insufficient in need of repair or if they're claim fixes aren't good enough, what we want. And if they refuse, then our next step is to go their performance bond. OK. Hey, Mr. performance bond people, they didn't do what they promised under the contract. We have X amount of short falls.

Attorney J. Motylinski

We're invoking your bond. Fix it. OK, that's a whole another can of worms we would open, but it's a lot cheaper than filing a lawsuit. Right. And then the bond company will insert itself to its thing, probably conduct some sort of expert testing of its own, if warranted. And if they decide that.

Yeah. You know the contractor fuked up and you all need to be made whole. We'll either cut you a check. Or find a contractor that will do the work.

President S. Rittof

Mike Michael, is there any compromise? Is there any way other than tearing all that out to fix it? Could they put a? Is there any? Could they put a coat over a finished coat over the top or something?

Secretary M. Rittof

But that doesn't that that that's with the elevation.

President S. Rittof

You know, just cut it out by the concrete or whatever. Take that out and because we've been through this before and all the good intentions and everything else, we got stuck up our butt.

You know what I mean? So, if we can come to some kind of compromise. Where? You know, we can be happy and they can be happy. I think we'd be a lot better off because John doesn't do this for any, you know, he's just got to get a check every week and it runs into a lot of money. We spent last time with the same crap, just our wheelhouse, the way we do things.

Secretary M. Rittof

Well, you before you were here though, we talked about we need to create a list that he needs to send that says these aren't done. I don't think we start making it giving in initially we tell them this isn't done right it. Needs to be fixed.

Trustee Montgomery

Yeah, have to do it right.

Secretary M. Rittof

And then we make the call later then if they come back with the.

Attorney J. Motylinski

And think it's a long game for them too, right? They don't want to leave you dissatisfied because the next time they go out for a public project or something.

Secretary M. Rittof

I'm not so sure about that, but because I've heard other fire districts have publicly at their meetings banned ever doing business with them again, so their reputation has already been tarnished.

President S. Rittof

No, I guess what I'm saying, if we could come up with some type. Of you know. Cut \$500 in grass seed is not going to hurt us to sue them for not planting grass. We can get a landscaper in there for ourselves and spend 500 whatever we need to spend, you know and or have them pay for half something, some kind of compromise. Instead of saying tear all the ship and tear it all out.

Trustee M.J. McMillin

No.

Attorney J. Motylinski

Right.

Secretary M. Rittof

Well, but I. Think seeing, we say tear it out.

President S. Rittof

I know. Hell yes. Go for the moon.

Secretary M. Rittof

And then if they and then and. Then we compromise.

President S. Rittof

How can we work this out later down the road, list everything and the like. Mike says. It costs 100 grand or whatever. I don't know what the cost of that is, but.

Way you're figured out by the square. Foot we're using.

Secretary M. Rittof

The way I feel is we hired them and paid for a new building with all the things they were supposed to apply to and we're not getting it. So why should we compromise? I mean unless it's.

Trustee M.J. McMillin

3.11 point three if construction manager fails to correct effective work after this, owner may correct it and deduct their money from final payment and that's.

Secretary M. Rittof

Economically, fees.

President S. Rittof

I don't know how much we have left. You know, Jacque.

Executive Assistant Arnold

190 range.

President S. Rittof

190.

Attorney J. Motylinski

And is that just the retention now?

Executive Assistant Arnold

That's their retention, which is the biggest portion of it and the handful of contractors who have complied with what they had to do.

Secretary M. Rittof

So, what we yeah, I mean what we told them was to create because he asked about, hey, these other guys did their job. So, we asked them to create a list of who they.

Attorney J. Motylinski

And frankly, you don't want to be messing around with subcontractors because they can put a lien on the public funds.

Executive Assistant Arnold

Right. And that was the last bill that Mike referred to that I paid after I knew there was retention being held, yeah. I was paying the contractors their portion. That was for the work they did. Now the contractor for the blacktop probably got paid, but at that point we don't know that there was a question about the black top when that bill came in.

Attorney J. Motylinski

Yeah, right, all I mean. Just say is. If the Subs don't get paid, what the Subs do is they put a lien on public funds that go to Wegman right and inevitably with contractors of questionable repute. They don't pay them, and then there's a lawsuit to foreclose on that lien. And it's a pain in the butt. OK. It's like you're going to litigate the case 3 times. Right. So, I agree with your approach to pay the Subs because you're not beefing with Subs.

Secretary M. Rittof

Did we get that list from him? Remember, at our last meeting we asked him he when he said how about paying the people that have done the work we're like, give us a list of who that is.

Executive Assistant Arnold

He hasn't sent me another bill yet.

Attorney J. Motylinski

OK.

Executive Assistant Arnold

When they send me the bill, I'll have a list of who he's paying.

Attorney J. Motylinski

Unless this, unless our issue is with how the Subs did the work right? So, the asphalt, I wouldn't be the asphalt guy, but it.

Executive Assistant Arnold

And chances are he was paid because that was 3 three months ago at least.

Attorney J. Motylinski

Sounds like we did it right. Yeah, right. So, but I'm just saying, yeah.

Executive Assistant Arnold

Because the asphalt's. Been in since what? June. So, he was probably paid.

Trustee M.J. McMillin

But this whole meeting will be a mute point that if we end up paying these Subs, we're left with nothing.

Secretary M. Rittof

Well, but if it's Subs that have done their work and done it properly.

Trustee M.J. McMillin

But if we end up with 50 grand left and then we got to pay his bill, you know? Why fight it? Then.

Secretary M. Rittof

Well, because we should.

Attorney J. Motylinski

Well, is the cost to rip out the asphalt going to exceed what you're going to pay me to go to court?

Trustee M.J. McMillin

Is the real substantial cost. So, we're talking about parking lot, we're talking the building is actually dented, the physical part of the building is dented. In my opinion the.

Attorney J. Motylinski

Economic thinker. You're gonna have to get to. Yeah.

Trustee M.J. McMillin

Yard needs to get ripped up and redone because there's no grass growing. It's all weeds and there's rocks that are. Every time it rains, the rocks are coming up because they didn't follow the detail. Put it 6 inches of topsoil down.

Attorney J. Motylinski

Right, right. And.

Trustee M.J. McMillin

We're going to far exceed whatever's left.

Attorney J. Motylinski

For sure, the other thing to keep in mind is our first stop, even before a lawsuit is of course the performance bond, OK, because if you've paid out. Almost all of it. You're going to have a healthy amount to resort to with the performance bond and. You know what that's going to end up looking like is you're going to get down in a room. With performance bound person Wegman, us and it's either going to be the bond company knocking the head of the contractor to hey get the work done right or hey, can we make a deal because it's acceptable try to mediate the damn thing, right? So, it's going to depend on how.

Trustee M.J. McMillin

Carries a performance bond with.

Attorney J. Motylinski

I think it's liberty, liberty.

Executive Assistant Arnold

Yeah, travelers.

Attorney J. Motylinski

Yeah, travelers, I'm sorry. So that's a. A better one that I've seen, they'll actually.

Trustee M.J. McMillin

Do what's right.

Attorney J. Motylinski

If it's warranted, yeah. You know, obviously they're gonna do their own investigation. And if they do find defect, OK, they'll probably do the right thing. It's tough to say in any individual case, but.

President S. Rittof

Do we call them John or something?

Attorney J. Motylinski

Yes. How we do it is first of all, we get our list, we make all our demands, OK? We have our punch list. They have theirs, whatever. But we find this unacceptable. All right, if they decide to just say, if you were not going to do anything about these or whatever their proposed fixes we find unacceptable. The next thing we do is. The file claim with the performance bond. They tried to pass this off. The work is insufficient. It's defective. They refuse to fix it. We're coming to you because. We need our products. And then they come in to play. OK, that that isn't to guarantee any result that that means it's. It's basically an insurance policy that the work gets done. Of course, they're going to have their own vested interest in not paying, as any insurance company does. But you know, with something like you're describing to me where the work is just clearly done incorrectly, like the asphalt thing. They may well either payout give you some money for your trouble, or find a contractor. That will fix it. Or convince Wegman to do it right. There's a whole host of possibilities on how that's going to look like. The best part about the performance bond thing, of course, is that it's fairly lightweight as far as attorneys fees go. All you got to do is write a letter. We sit down at a conference with them and then the wheels are in motion. It ain't like a lawsuit where I have to go and

Secretary M. Rittof

and does that performance fine expire after a certain period of time?

Attorney J. Motylinski

Yeah, I don't know exactly what it is up the top of my head.

Trustee M.J. McMillin

I was looking at their insurance was

Secretary M. Rittof

Well, should we at this meeting or who's going to create this list? Do we tell you, John, do we?

Attorney J. Motylinski

I think it'd be best for you guys to come up with this because you live a lot closer to what? We're talking about and then I can put it into.

Secretary M. Rittof

OK. And what do you need to just say the parking lot, do you need how much detail? Do you need?

Attorney J. Motylinski

How I envision this looking is a letter with bullet points. OK, bullet points. Each one of them has about 3-4 sentences of explanation what the issue is and what. That were proposed resolution of the issue is. OK, so for instance, like with the asphalt thing, we were discussing, bullet point 1 is the asphalt. We observed that it was rolled in correctly, the tires all the way to the bottom. Now it's down at. The top we. Don't think that attempts here attempts to fix it will do anything. Putting black top on the top is not sufficient for whatever reason. If you want to even go that far.

Secretary M. Rittof

Attempts to fix it resulted in.

Attorney J. Motylinski

We propose you rip it out. Period right next. Something like that. Just to tie all this up, this is doing a few things by the way. Not only are we putting them on notice of what we want, it's creating a record. If we ever have to go to court. Or. To even the performance bond people to say we've been complaining about this for a long time, right? And look, no resolution. Looks better for.

Secretary M. Rittof

Us so we think, yeah.

Attorney J. Motylinski

The worst thing that. We could possibly do is try to pull a rabbit out of. They had it. At litigation, throw out something brand new that they've never heard of, and then they can complain.

Of the judgment, we would have fixed it if. They just let us know.

Secretary M. Rittof

So, the main issue is so we got the black top, we've got the. The grading and landscaping.

Trustee M.J. McMillin

The parking lot there the other day.

DC Toepper

That was trickling down the edge of. Black top going towards the northwest.

Trustee M.J. McMillin

Yeah, it was. So that dirt, you know, they took that dirt out and just kind of back in there but it's.

Trustee M.J. McMillin

Still hold on. Picture it's when it was raining. Not it. It'll eventually go away, but what it's going to do is it's going to leave it anyway, so then there's. Still, rocks that are still coming through. What do you guys think about? The weeds.

DC Toepper

I think Jake picked up a lot of rocks, but I think the grass is it's just all crab grass. Yeah, I looked at it again the other day when it was raining. And yeah, the grass has sprouted. The seed has sprouted, but it hasn't grown because it didn't rain for six, two months, six weeks. I don't know how it's going to look here now after some rain.

Trustee M.J. McMillin

Yeah.

DC Toepper

But. The crab grass is yellow. They sprayed it right, but I don't know if it's going to. Kill it, yeah.

Trustee M.J. McMillin

OK.

President S. Rittof

I think those. Are probably the two major issues the building.

Secretary M. Rittof

While the building.

President S. Rittof

I thought what's what. You mean the dents up there? You know, he sat here and said that the fix might be worse than you. Know what?

Trustee M.J. McMillin

But there's.

Secretary M. Rittof

I mean, that's not our problem. We need a building. That's whatever. Yeah.

President S. Rittof

Exactly. Yeah. Well, I mean, that's what Testa said. I think the fix. Might be worse than.

Trustee M.J. McMillin

I talked to Mike Testa again the other day and just wanted to be 100% clear on what happened and.

President S. Rittof

Yeah.

Trustee M.J. McMillin

When that panel went up, they took their screw. Screwed it in. It sucked that panel in because the insulation or foam on the backside. Was.

Trustee M.J. McMillin

Wasn't there? So.

President S. Rittof

Who's who? Was the foam guy, was that that was that came with the sheet metal or. OK, OK, so the manufacturer.

Trustee M.J. McMillin

It's all part of the one piece. Right at that point. The guy put it up, called Tessa, Mike Testa and. Said that they usually it'll pop back out. It didn't in this case. Wegman. Verbally told them to keep. Believe it. Ask Mike. You know, like anything else, why couldn't you have got a shim or something behind that at that at that time to keep it from, you know, popping in? I don't know. I wasn't there. So, there was a remedy.

President S. Rittof

Yeah, it could have got fixed. That's crazy, yeah.

Well, OK, so the grass or the landscaping, I would say that it just still ticks me off that the damn thing was built in a hole. That's ridiculous as far as I'm concerned, but.

Secretary M. Rittof

The building what it did. Is the concrete good or wasn't there pulling on the concrete or something?

Speaker 7

Because of this asphalt, so the asphalt, the.

President S. Rittof

Landscaping and the and the dents and the tin. Those are three majors.

Trustee M.J. McMillin

I didn't get back up. Did they fix the? On the outside. Of the door where they were going. To put more is it? Did they fix it?

DC Toepper

Yeah, I think it looks pretty good. They put a one inch piece, 8 inch stock. It's the same color. They tap con that into a brick.

Trustee M.J. McMillin

In a way that's going to.

DC Toepper

I think it looks.

Trustee M.J. McMillin

That those panels on the overhead door did that turn off? Yeah.

DC Toepper

They just, they just put those on Monday. So, I think that does look pretty good.

Trustee M.J. McMillin

OK.

President S. Rittof

I don't think you know we're talking about the black top and the landscape. I mean, those aren't. I mean, I don't know if they're going to replace the all the black top, but could they cut out that area and then patch it? Mike, I don't know. And then? Down the road. Would that help or would that do the? There's one bad area? Is that what you're thinking or the whole damn thing is bad? Well, it sounds like you they just put the they didn't put surface course. You know the grade on the high.

Secretary M. Rittof

Well, you he had the tickets, produced the tickets. But I looked at, you know, Mike, I don't know if he shared with everybody else to go look at O'Reilly. That parking lot looks totally different than ours.

President S. Rittof

Well, if you don't use the, you know the right mix. Cheaper to put one kind on.

Chief John Petrakis

So, the N50 mix and Chief Tupper can speak this a little bit more in detail. He did a little investigative work on his end, but what we understand is those mixed tickets were the mixed tickets that. Quantify the mix that went into the pavement on the parking lots on both sides. The N50 mix, even though it's an N50 mix, it all has ranges so. Some places may use a little bit more sand, some may use a little more rock and I'm this is what I'm learning, so don't beat up the messenger. So just because it's N 50, the concentrations, and the mixes. Might be different. And if you look at those mix tickets, there's ranges on there and as long as those materials fall within those ranges, you could see a difference between our parking lot and O'Reilly's. It depends where they get the materials from. Some places use a little bit more of this. Some places use a little bit that.

DC Toepper

Steve, I just those tickets, the difference you see in our tickets is the binder, the bottom, and the top. That's why there's two different millimeters of size of aggregate and those loads, but the guy I talked to runs at Austin Tire plant and he said an N50 inspected mix could be different. At each plant. And his plant, he feels, is more fine, more finished work, like the O'Reilly's look. That the residential guys like to come to his plant because it's a little finer look. So, I don't know that's I don't know how they come to the ranges or who inspects it, but I'd send them pictures of our lot to his quality control guy. And that's what he said. And another thing he said is the color he said if that was done in June, that should be a still a deep black look. He said. It looks like it's been

down there a year over a year because it's just doesn't have that dark color. I wonder if we need to get. Some kind of document from a third party.

Secretary M. Rittof

That's what I well.

Attorney J. Motylinski

That would be very handy too if we.

DC Toepper

Because I want to put that guy on the spot. He's just a friend that hire somebody to give us a third party.

Attorney J. Motylinski

Ever have to come to?

Trustee M.J. McMillin

Yeah.

Attorney J. Motylinski

Ammunition wise, right? If we're going to have a fight about this, we ought to have something good in our back pocket to say you're fixing good enough. And This is why, right, it can't just be that. Oh, you didn't do it, right? Redo the whole thing. Because I want to, you know, have some.

Secretary M. Rittof

So, who do we? Where do we get that? That goes.

Attorney J. Motylinski

Well, that's another matter entirely. I don't really know. I'm sure that there's talk with.

Chief John Petrakis

Perry about this the other day, he offered to get a core sample and have it analyzed.

Attorney J. Motylinski

With your problems.

Is it going to charge us? For it, we didn't.

Chief John Petrakis

Get that far? We were just sharing what we learned and talking with Perry, just that we were actually confirming. Are those the mix tickets that were the mix tickets for that? Because sometimes when you have that third party like Thomas Engineering they. Have the mix ticket. There with them. These were just the mix tickets that came from the materials plant and that suffice.

Attorney J. Motylinski

OK, right.

Trustee M.J. McMillin

And then so. Well, you know I think how it all came up is there were there were certain areas that in our opinion failed because they seemed to think it was because the. Equipment was on it. Enters a couple of spots and then the area. That that was put in too high for his water so.

You know, maybe it is the right mix, but if they take, I don't think taking a core sample from the corner of the parking lots near saw what? We're going after, though.

Attorney J. Motylinski

Right.

Trustee M.J. McMillin

My opinion I would take a like a density teste over those areas that you could take your foot and dig up the asphalt, you know, or take the core sample from that area.

President S. Rittof

Well, the guy said anything about. You know when they're back in the trucks in or whatever?

Secretary M. Rittof

Well, that's the that's concrete.

President S. Rittof

Fair enough. Not concrete. You're talking about on the sides of the building. I thought there were some.

President S. Rittof

Backed up all by the road, the concrete goes. All the way to the road.

Speaker

Country.

Secretary M. Rittof

But you know, part of it is part of they're saying the damage the black top was because it was hot weather and there were forklifts or whatever and turning and it tears it up.

Attorney J. Motylinski

Right.

Secretary M. Rittof

I go down Ashley Rd. There is doing a bunch of new construction I've seen. Low boys on there and I rode by there and it doesn't look like, yeah.

Trustee M.J. McMillin

Out there, they worked on a Thursday and Friday. They had heavy equipment, trees on it, and it wasn't like this up here.

Attorney J. Motylinski

And once they're fixed for that. If it's going on.

Secretary M. Rittof

Seal coating.

Trustee M.J. McMillin

That was Wegman's fix the seal coated. OK, he said let it age. Which means let the dirt fill in all the and then seal. Go. That's right. OK.

DC Toepper

Alright.

Attorney J. Motylinski

I mean, I do have other contractor contacts that I could say, hey, do you want to come?

Secretary M. Rittof

Well, but, but should it be a contractor? I mean, that's the only thing is to me, if they're an argue.

Attorney J. Motylinski

Out here and look at this and.

Secretary M. Rittof

I mean, if a contractor looks at it and says it's wrong, then are they going to argue? Well, he just wants to work to fix it? I mean, is there an engineer firm that specializes in asphalt that could look at it that totally has no, we're not going to hire them to fix it, that is.

President S. Rittof

Thomas, okayed for the village. Thomas engineering. They evidently OK that.

Trustee M.J. McMillin

I don't think that they have any approval of the approved because it's on private property like that. I don't think you know the grass. Yeah. All the.

Trustee Montgomery

If you have another contractor look at it, it's automatic. They're going to say it's.

Secretary M. Rittof

Right, right. They're going to.

Trustee Montgomery

You know, like deconstruction or PT Farrell, Kenny will only as some sort of an engineer for PT Ferrell. Whether he would do something like this.

Trustee M.J. McMillin

Yeah. Huh.

Secretary M. Rittof

I mean to. Me. Yeah, it should be somebody that's not got a vested interest in.

Attorney J. Motylinski

Yeah, not trying to sell to you and to some extent you can kind of make clear like look we you know we can't retain you to fix this, but what's your opinion?

Trustee M.J. McMillin

Everything we're talking about.

Secretary M. Rittof

I mean, we want, I mean we want something that will put. It in right so that.

Attorney J. Motylinski

Right, yeah. And by the way, if we were to take a few more steps on this, say we go to the performance bond people and we say, hey, the contractors defaulted on the contract, they didn't give us what we want. See for example, the asphalt. They will probably retain their own expert to go and look at it just because you know they're going to want to have an unbiased opinion, right? They're put in the middle of this. So, dealing with the issue down in Elwood, that's exactly what helped. What happened, right? Elwood terminated the contract before it was finished. There's a disagreement as to how much it was going to cost to finish up the Dang thing. So, they had somebody out of, I think it was Kentucky come in and like, oversee be kind of like the umpire on? This needs to get done. Yeah, we understand. You want the whole thing ripped out and done again, but then we can do it another way. That kind of deal.

Trustee M.J. McMillin

Till we put that list together.

Attorney J. Motylinski

Yes.

Trustee M.J. McMillin

And have. You presented to the performance prior to doing a whole bunch of background and just see where it goes and see.

Attorney J. Motylinski

If you could, I mean this the problem with going right to the performance bond people is what they're going to do next is say, hey, contractor, what do you think about this?

Secretary M. Rittof

No, no, I don't think he's saying go direct, we go to Wegman first, but he's saying if, Wegman says.

Take a hike than before. Then we go to the before we hire somebody to be a third party expert. Then we go to the performance bad, right? And maybe let them prove us wrong or whatever. Yeah, yeah.

Attorney J. Motylinski

Take a. Yeah. Right. Right. You could. I just imagine.

Secretary M. Rittof

I mean, we've got one verbal kind of from somebody that needs to remain anonymous just if somebody else looks.

Attorney J. Motylinski

And I want the expert opinions because how it's going to work is the performance bond people are going to have a mediation. Basically, you tell me what you think is wrong. You tell me how you. Why you think it's right and if we go into that meeting and. We have a bunch of people saying that no, you screwed up the project, right? It's going to go a whole lot better for us than well. We think this and we think that, you know, we don't do this, but yeah, we'll defer to your expertise. But you know, we don't it. Doesn't seem to us like it looks like.

I'm just talking about like, the strength of our case when we have to do it there.

Secretary M. Rittof

And then I guess where does the role of the architect come into this because. In my experience with construction lending, there's always a third party inspector, right? And in this case I'm told the architect is our third party inspector. So.

Attorney J. Motylinski

Yeah, right. Sort of like they're not an owners Rep or anything like that. They have their own place in the contractual trinity basically where they're like in it, but they also have their own self-interest. So.

Secretary M. Rittof

And we've had, I mean, I've been kind of not intimately involved in. This but I. Think you guys have had your issues with the architect too, right?

Chief John Petrakis

I think we were. So after Patrick left, there was some things that we were that we found that needed attention or. We believe we're OK and I think the one that comes to mind most is when they were installing the. Bathroom there in the hallway, in the common area of the Firehouse and the slope, and how much room they needed in between the roof line and then the concrete walls to make sure they could run all the utilities and mechanical and whatnot down the hall. But.

Secretary M. Rittof

And there weren't there some other things too that we were hearing that while the architect didn't address it or didn't do this, so now we gotta work around. Wasn't there things Perry had to?

President S. Rittof

That was, I think what John mentioned there, the mechanical.

President S. Rittof

Thing like you, they.

Secretary M. Rittof

I mean, I'm not saying I want to go. After the architect, but I'm.

Attorney J. Motylinski

No, no.

Secretary M. Rittof

Just saying, you know.

Chief John Petrakis

Of it is, FGM doesn't really do. I mean, they do fire stations, but I think we've learned they don't really do prefab metal fire stations. This is not something that they do all the time and.

President S. Rittof

Well, they held us up for quite a while because the architect was telling the company.

Secretary M. Rittof

But that, yeah, there was something they didn't. Yeah, that's what it was. The building. You remember the building? They said the architect didn't provide this or something. Yeah, that was all that.

President S. Rittof

The building, the company that built the building besides waiting, that says, going to work. Then Eric told the architect this and it works. The architect says yeah, just build it the way it is, it will work. The building man says no, we had him here in the in the meeting. We called them building. Guy. What the? What the hell is going on here? We screwed it.

Chief John Petrakis

Well, by that time Patrick was gone until placing all the blame on Patrick.

President S. Rittof

Jacking around here for two months or three months and they're back and.

Attorney J. Motylinski

Yeah. Forth, I'm glad that the manufacturer got involved because they could have gotten. Really bad, yeah.

Secretary M. Rittof

And what we came up with is they designed fire stations and nice fire stations, but they're not used to designing metal building fire stations, right?

President S. Rittof

They come up with some kind of compromise and they've got.

President S. Rittof

It done. But I'm not very screwed around. For two or three months, I think.

Attorney J. Motylinski

It would also be very handy to have FGM say the concrete socks to it for the asphalt in, right? Have they been doing any sort of inspections like?

President S. Rittof

Call our insurance company. They must they have people that I'm sure they can give you a name of, some expert to come out and. And you know what I mean? That they should be able to give you names for landscaping.

Attorney J. Motylinski

Yeah, we can. We'll find somebody.

President S. Rittof

Black, top structural or whatever. They have to have people on their list somewhere that that are professionals that do this all the time. So.

Trustee M.J. McMillin

And we just got to make sure when they do come is that. They have that set of drawings so then they can open up and see. OK, it's supposed to have 3 inches by your inch and a half the surface. Or it's supposed to have,

you know, whatever class grass seed in the building is supposed to. So, it's important that they. You know, do their background on what they're expecting, yeah.

Attorney J. Motylinski

Right. Yeah, they know what the specs are. For sure.

President S. Rittof

Did it? Didn't Perry ever say anything about why they didn't water that grass when they put it on? Because of the bill from the village would be enormous.

Chief John Petrakis

I think the watering was left to us.

President S. Rittof

That's what I mean. Why didn't we? Did he tell us that it shouldn't be?

Chief John Petrakis

Watered or they recommended it would be water, but it was. So dry time I think after when.

Trustee M.J. McMillin

Now, but that's part of the substantial completion, that is their building until substantial completion.

President S. Rittof

I know we will.

Trustee M.J. McMillin

Is given. So, whenever the grass went down, if it was the 1st of June, they should have watered it and they owned that building until.

President S. Rittof

And they didn't want to pay the warm bill. Either.

Secretary M. Rittof

So, let's go back to this substantial completion. So do we have a substantial completion and is in the warranty in effect?

Attorney J. Motylinski

I don't think it matters because the contract is still in effect, right? The warranty is what carries over after the contract is done. So, for instance, if we were to pay. Out. Everybody's nominally happy for about 6 months and ohh shoot something falls off the ceiling or something. That's when you would make a warranty claim. Hey, there's some latent defect in the work, come out fix. Right. Right now, the contract still lives. We haven't yet finished it, so the performance bond is aligned. We can do anything. We have our own remedy.

Secretary M. Rittof

So, can we put that in their letter that? In the letter. That you know, the contract is still there's no substantial completion.

Attorney J. Motylinski

Right, we've never. We've never accepted as far as I know, right from the limited information I have, we've never signed anything that there's been substantial completion.

I would be interested to see what the architect has to say on whether there's substantial completion or not also, but that's just a. In my view, that's one of those labels that gets affixed to a certain stage of a project that isn't very useful or interesting to me at the legal stage of things. Right. It's four of the things. That we're talking about. There's umpteen other ways that we can get the work fixed without regard to the warranty right now.

Secretary M. Rittof

You know, and if they replace the black top and it's done right, then it's probably not a big issue as it is now to say let it age and then they'll say, well, you're warranty I. Mean, you know.

Attorney J. Motylinski

But remember, of course we'll say that we're invoking the warranty too, right? Just in case, because as soon as we say we are making a warranty claim and it's within the warranty period, that's it, right? They don't have to fix it within the warranty period. They could let it go for three years and maybe try to make incremental fixes. Doesn't matter as long as we complained within that one year or whatever it happens to be that we. Need. It fixed, that's good.

President S. Rittof

Mike, can they? Your grinder in and take the inch and a half off and.

Trustee M.J. McMillin

Then they've got they've got the asphalt down, but just the way they it's draining all the whole thing.

DC Toepper

He means the whole thing.

President S. Rittof

No. Well, you can take an inch and a half off the top like they do on.

Trustee M.J. McMillin

Yeah, absolutely, yeah.

President S. Rittof

I mean, there are other options other than just.

Trustee M.J. McMillin

Yes, they have come in and Millet and yeah, absolutely.

President S. Rittof

That happens all the time.

.

Trustee M.J. McMillin

That's a great idea.

President S. Rittof

The landscaping, though it looks like crap. I think. I don't know why they're sticking out of the ground and then I don't know what the hell they were thinking there. And if they were supposed to put 6 inches of black dirt on there, I don't think they well.

DC Toepper

Well, when I rode by it. Was yellow.

Trustee M.J. McMillin

They did. Then it was mixed in with Pitron and everything else.

Trustee M.J. McMillin

But what happened was and, and that was a I don't know if this is foible, maybe you would know, so could. Ice. Oya, the district for the subcontract to the excavating company, and the landscaper between RL Wegman and them and each subcontractor.

Attorney J. Motylinski

Is it in our possession? And the answer is probably no, right? Could we say, hey, we got a FOIA request. They're asking for the subcontractor. RC Whitman, would you please provide this? They may well say no, and then our answer to the foyer request is sorry we asked. They will get a job. I don't understand the pain, but.

Trustee M.J. McMillin

Well, what I wanted though, OK, but they're not legally bound to, because what happened with that is that the excavator put the dirt down. And he. Fulfilled his contract by putting the. Down the landscaper's contract was seed, fertilizer, and blanket. Right, well, Wegman forgot to put in their final grade, so that would have taken out all the rocks and all the pumps and all that kind.

Know landscaper saying I'm not doing it. And. The excavator. So. We can't move there because we don't see their subcontracts, right?

Attorney J. Motylinski

Not yet. I mean the surefire way to get any of that stuff is through a subpoena. Of course we don't get there in there by the lawsuit or whatever. I don't want to go there. But yeah, you could try, but ordinarily I see contractors. Being like Nah.

Trustee M.J. McMillin

And it's just these kind of things that we're talking about. You have certain windows in the year which you know you mean you can't play grass in the middle of June, July and August and you know, so right now would be great to be fixing all that problem. It ain't going to happen.

Attorney J. Motylinski

Now just to be clear though, so I do want to affirm idea of whether the substantial completion document that FGM sent to us has been signed? No. Never. OK, OK.

Chief John Petrakis

Received the documents. I think again that's synonymous term and there is part of your substantial completion here. Chiefs been tracking everything off that substantial completion and as things have been

getting done, he's been adding to it making notes. And he was unavailable for a few days, so I have some notes that were in there that's been shared with the board and some of our reports, so.

Chief John Petrakis

We just have not signed on that official substantial completion.

Attorney J. Motylinski

OK, so the way that it works under. The contract is. The contractor says to you, hey, I think we're at the point of substantial completion. What do you think? Right then they turn it over to the owner of us and then FGM kind of is your wing man, right? You conduct an inspection and if there's something that you deem insufficient, then you say no. We're not at substantial completion because XYZ reasons. Right. I think you're at that step. If we haven't signed the form because, as I understand it, FGM. As part of their thing, probably caught a few things as well. Yeah. I bet they. Would have, yeah.

DC Toepper

Then whole list.

Attorney J. Motylinski

Yeah, exactly right. And I think what they're looking for now is to for us to add on this, this, this, this, this, this, this, if we. So, choose. But again, so long as we never signed that form, agreeing with the contractor that substantial completion has happened, that's the answer. I think in the near term on that specific question. But again I, I, I do not think that it's going to be. At all like outcome determinant of whether it has or hasn't been. Considering that we're so young, even if the warranty started detaching at June, right? It's either the difference between a warranty claim or a claim under the contract that the performance hasn't been met yet, or both. So, I'm glad that you're bringing this to my attention now and instead of, you know, may next year. But.

Secretary M. Rittof

All right, so who's going to? Mike, can you sit down or the three of you sit down and create this list. I mean, there's only three items, but to make sure we properly addressed it so there.

Trustee M.J. McMillin

Well, I mean the. You know, ask them about these erosion sediment control inspection reports. You're supposed to do weekly.

Attorney J. Motylinski

Yeah.

Trustee M.J. McMillin

I don't know. Listening to the man, I don't think they ever did them. And the reason I'm questioning this the county is on a big tear right now fining construction projects for not having these there's one going on right now, down on Lorenzo Road. And so, there's things like that that we need. We need the copies of those reports we need. You know, they haven't turned over any operating manuals for any. Of the equipment.

Attorney J. Motylinski

OK.

Trustee M.J. McMillin

Or the actual equipment warranties. They're supposed to give us as. Built drawings. We don't have any of that yet, so there's a lot of stuff like that we'll need to incorporate.

Attorney J. Motylinski

OK, yeah, for sure. And we should make this a laundry list. Anything that we want, right? Get it all in one place and then make them say no. No, no, no, no. 1000 times. Some look unreasonable.

Trustee M.J. McMillin

It might be. Way past but as something I was reading this, were you involved with the vandalism insurance? The way I read this and I could be reading it wrong, is that. That should have been covered by Wegmans Insurance.

Attorney J. Motylinski

Right. And that's something that I looked at, yeah. Since. Well, you didn't pay it even on your insurance did.

Trustee M.J. McMillin

So why did we pay?

Secretary M. Rittof

Well, but we're going to end up paying it potentially was.

Trustee M.J. McMillin

Doesn't affect our insurance rate then file.

Secretary M. Rittof

Claimed I mean because of claims, yeah.

Trustee M.J. McMillin

A claim like that.

Attorney J. Motylinski

Isn't just, right? So, they think that.

Executive Assistant Arnold

Our building, our liability.

Attorney J. Motylinski

OK. Well, in any event, how this would work is. Your insurance decided to pick it up, right? Yeah, I guess you may see an increase in your premium because you have claims experience. No, but they're the ones who are holding the legal bag on this. If they wanted to go and say, hey, I shouldn't be covering this, then they would go and Duke it out with Wegman or perhaps their insurers or whatever to determine it. But right now. At least as far as the principal value of the amount that it took to get you back up to hold, you didn't have to. Pay anything, right? So, I feared that if we were to push this for one, it may upset your liability, insure and perhaps they say, Oh yeah, never mind. I'm not going to cover. It all right. Doubtful, but it might happen or two. Then they commence their own land more between their interests and Wegman and perhaps their insurance doesn't involve us. But we could get involved in the middle of it, but three, I don't. Think we could sue on this? Right. An increased premium is too speculative to give a standing to go and.

Secretary M. Rittof

Well, and I don't think Mike's saying now, but Mike saying back when it happened, right, I think you had discussions with Wegman did and they said that they tell you there's.

Attorney J. Motylinski

I know.

Executive Assistant Arnold

And they said it wasn't theirs, it was on lost. So, we found the clause in our insurance that. Gave us the ground to make our insurance cover it.

Attorney J. Motylinski

It right, but technically doesn't. The contracts say they should have covered it potentially, but again, if we try to bring that up.

Secretary M. Rittof

I'm not saying that. That, but I mean, we should have fought it then.

DC Toepper

Yeah.

Attorney J. Motylinski

Maybe I mean at the same time. You could have thought and maybe. Your insurance company agrees with you, and then all of a sudden, they're not. Going to cover the claim, right? So, it's kind of hard to Monday morning quarterback that one, especially when you're whole, but.

Yeah, I mean, we could always.

Secretary M. Rittof

I don't think we're wanting to do anything. Mike's just questioning.

Trustee M.J. McMillin

I'm just my whole point. This whole thing is this is a very, very important document. If everybody would just follow what both parties signed, then we would be sitting here arguing all this.

Attorney J. Motylinski

Absolutely. Yeah. And it's never, it's never as clear as.

Secretary M. Rittof

So, who's going to sit down and create this? List.

Chief John Petrakis

I will. I will send it to the board before it goes to John.

Attorney J. Motylinski

OK. And then I think if my reading of where we are procedurally is accurate, then what we do is we loop in this list into what we claim is precluding substantial completion, right? Hey, Mr. Contractor, we're not at substantial completion. You have got all these things to fix. Kick that can to them and. Then see if they.

President S. Rittof

For me it's the, it's the. Blacktop, and the landscape in the dents.

Secretary M. Rittof

Right. But there's other things that there's other stuff that they're supposed to be providing us. Yeah. Yeah. But I mean, as far as building.

President S. Rittof

I don't know what this. That's stuff, but I mean. As builds all that kind of stuff that I don't think that's going.

Chief John Petrakis

I would ask prospectively in the next week by next. Friday, which is. October 4th. Send all your grievances to me and I will formulate them in a document and I will send it to. John and file anyway. So please, and if you don't use e-mail stop in tell me what it is. I'll write it down on a piece. Of paper and I'll.

Attorney J. Motylinski

Incorporate it. Are you working Jason Estes, OK.

Trustee M.J. McMillin

Would you say October?

Chief John Petrakis

4th October 4th.

President S. Rittof

Well, Mike, he's got pretty much he's been on top of this. I'm glad he is, but maybe he can write, make a list of. Things for him.

Chief John Petrakis

If he wants to make a list.

President S. Rittof

And I can, yeah. Give it to you.

Chief John Petrakis

And you can. I'll, I'll put the details on it.

Secretary M. Rittof

You know the other Mike McMillin isn't here, but I mean, I happen to talk to him and he said I'm glad because he's that I'm a Fire Chief. I don't know all this stuff. And I.

President S. Rittof

Mike, that's why we hired Wegman, because we don't know. I never built the damn building. Like, that's why you hired these people.

Secretary M. Rittof

Don't think and. It's not only Wegman. To me it should be FGM that's looking out, yeah.

President S. Rittof

FGM and Wedman, they're that we hired them to take care of all this stuff and.

Attorney J. Motylinski

I'd also like to have a conversation with Jason as he's just. Jason S you see I'm there.

Secretary M. Rittof

Yeah. I mean, why has? Why? Did the architect say anything about the dents in the building or?

Attorney J. Motylinski

Or do they agree with this? Do they oppose this? You know, I want to know those things before me.

Trustee M.J. McMillin

In. That's OK if they do, but that wasn't part of the deal to get a building with the dent, cough up, cough up some money back or refund. And the thing with the parking lot cough up some money, you know. If they're, you know.

Attorney J. Motylinski

Yeah, yeah, I get you. I just want to know where all the pieces are. Before. I start, you know, navigating.

Secretary M. Rittof

So, I mean, does Jason know that we're not happy with certain things or? Or has he been missing in action since he issued that letter on June 28th?

Chief John Petrakis

We've had more conversations with Perry and Jake because they're the ones who are organizing and coordinating the fixes or the improvements based on that substantial completion. And. the punch list.

Attorney J. Motylinski

Is Jake who?

Chief John Petrakis

Jake, their site? Super.

Attorney J. Motylinski

All right, got it.

Secretary M. Rittof

OK. Yeah. And he seems like a nice guy, but I don't know how knowledgeable. He is on. Things because he's.

President S. Rittof

He's going to look very toilsome, you know.

Speaker

Right.

Secretary M. Rittof

So do we, Copy, then the architect on this letter since.

Attorney J. Motylinski

Oh yeah. Anything, yeah.

Chief John Petrakis

There's a letter coming from us or. Once I sent it to you, you put. It on your letterhead and it goes to.

Secretary M. Rittof

I think it should come from you as.

Attorney J. Motylinski

Well, it depends on what form this is going to take, right? If this is going to be. 8 new things that we're going to insert as part of the substantial completion. Thing then I don't know that you want to drop the lawyer stuff in just yet. OK. Let them do their thing. If they start complaining about it. OK. Now, if we're going to go to the bond company, that's when I'm going to.

Attorney J. Motylinski

Start making the bonds.

Secretary M. Rittof

But. I think we discussed all this with Perry.

Speaker

Hmm.

Secretary M. Rittof

And he didn't have answers or didn't have sufficient answers. And so he's aware that we're meeting with.

Attorney J. Motylinski

Right. You Oh yeah.

Secretary M. Rittof

So, I think it should come from you. Absolutely. Yes. OK. Because I think he. He nothing against you guys or us, but I think. He thinks we're, you know, I mean we've tolerated a lot since day one with him not doing things and read it slide. So, I think he thinks that's the norm.

So, I think it's got to.

Attorney J. Motylinski

Come from you. All right. I'm happy to do that. Just want.

Secretary M. Rittof

I mean that's my.

Secretary M. Rittof

Vote If you need a motion to that effect, I will do that. Do we need to act on anything? Today, no. OK.

Attorney J. Motylinski

I think we all have our marching orders right. The one thing I just want to warn you, as soon as you start inserting lawyers, they're going to lawyer their thing up.

Secretary M. Rittof

That's fine. That's fine. Yeah.

Chief John Petrakis

As we ask you this, yeah, if it's coming from John now, how does that work with some of the minuscule things that are still going on? Does that totally remove Chief Toepper and I from talking to Jake.

Attorney J. Motylinski

No, no, I'm just not gonna go.

Chief John Petrakis

Just want to make sure.

Attorney J. Motylinski

The way through. Me. I think the idea is that, hey, lawyers involved now, There's nothing that we're going to be fighting about that is going to preclude like occupancy. There's nothing time sensitive that we have to get in before the winter. Right.

Executive Assistant Arnold

We're in the station, we've. Been there since July.

Attorney J. Motylinski

I know, but well, no, I.

Secretary M. Rittof

Mean. It's just it's.

Trustee M.J. McMillin

My point is, like, no, these repairs will.

Attorney J. Motylinski

That's true. No, I get that. But it's not like there's the hole in the roof when we have occupancy until. We do it right. The lawyer thing tends to delay right, because maybe they want to have their lawyer in on it now, and that's just inevitably dilates things. But if you can stand. Yeah, and if.

Secretary M. Rittof

Well, no, it's been fine as long as they're going to fix it. If they fix it in the spring.

Attorney J. Motylinski

That was my question. Yeah, that was my question, because if it is time sensitive. Then we need to be more.

Secretary M. Rittof

Because I'd rather have it fixed in the spring than to do it in November and then have problems because of the weather.

Trustee M.J. McMillin

Yeah, I get it. So next month they're going. To come with a. Bill for to release retention on somebody subcontractors. Do we? Are we obliged? To pay those, yes.

Attorney J. Motylinski

I'm going to look at that. Because as soon as. We give them money, we've given them all the. Leverage in the world, right? Whether or not it's deemed retention, whether or not whatever.

Attorney J. Motylinski

You know they. Frankly, even if we're wrong under the contract. And we're it's not possible.

Trustee M.J. McMillin

To what you're saying, then we don't give. We don't give them anything. Yeah, OK.

Attorney J. Motylinski

Maybe you would anyway. Not immediately. Not in the near term, but of course, like we were talking about before, I don't want you getting into a quagmire with Subs, right? Those are like the 1000 little mosquitoes that will bite you to death, OK? So, if there is a sub that did the work. And we're not challenging that. Then we'd have to look long and hard on whether we want to just pay that, make sure. That they don't have a claim against us.

Chief John Petrakis

The anchor bolts are covered, so they can't destroy those.

Trustee M.J. McMillin

There you go and they were providing lien waivers. You said this whole time.

Attorney J. Motylinski

Yeah, they should have gone. Yeah, right. But anyway, like I say, 1 easy way to start stepping in it here is to withhold money. The Subs don't get paid. And then all of a sudden, we're fighting four to five different lawsuits

because the Subs didn't get paid. It's just not a good way to spend your money. I guess what that means is if you're presented with an application, let me see it and we can make a determination on what we're going to do and who's getting paid and.

Chief John Petrakis

So, any pay apps you want to see as they come in before they're paid? They need to go to you, OK?

Executive Assistant Arnold

Yeah, I haven't seen one for a few months now.

Attorney J. Motylinski

And that's not uncommon where you think you're, like, near the end of the project. But. Yeah, that would be the one area where I think we could probably trip on ourselves if we're not careful. All right, guys, I'm sorry. You're. Still got this 2022 headache.

DC Toepper

I did get a call from Wegman and Jake that. The manuals and things are dropped off at 2:00. I'm going to go get them and see how they're you said you organized them by trade.

DC Toepper

So, we'll see what that looks like. Like. But he did drop though, though he called. Me this week.

Speaker 4

OK, good deal.

Attorney J. Motylinski

And if you got a little bit of time, can you tell me more about the dimpling in the side of the building?

Trustee M.J. McMillin

So. The larger ones on the east. Side of the building. Right by the Bay door. There's a smaller 2 smaller ones on the West side. So, if you had your, your steel panel goes up where the panel?

Attorney J. Motylinski

Yeah.

Trustee M.J. McMillin

Meets the next panel they put. A. Series of screws. I guess that holds that. Yeah, to the burger wherever's on the inside. Well, the.

Trustee M.J. McMillin

Outside is a I'm going to say thin 8th inch thickness of steel that is sandwiched between another piece that has a hard foam insulation.

Trustee M.J. McMillin

In between I guess. Well, when they're under screw in, there wasn't enough of that insulation on the backside. So, it's it, yes.

Attorney J. Motylinski

OK.

Chief John Petrakis

I don't know if you can kind of see.

DC Toepper

Looks like a dent.

Chief John Petrakis

It it's on that corner up here.

Trustee M.J. McMillin

And he said usually when they back the screw out, they back the screw out. The panel will come back out. In this case, it didn't come back. But instead of stopping at that point and fixing it or.

Attorney J. Motylinski

Oh, I see it. Yeah. OK.

Trustee M.J. McMillin

Getting a remedy.

Attorney J. Motylinski

Keep going. Yeah. I mean, first of all, it's not a structural defect. It's not like water is going to get there. Anything, right? It's just aesthetic. Yeah. And then to fix it.

Chief John Petrakis

There were options they talked about maybe putting a suction cup and just kind of doing like a painless dent removal, but with the foam and all that, it's just too substantial in the back, so you can't just pull that back into its original position they talked about, maybe even like a body work like taking it to a body work, but because it would be more of a smooth texture and that's got a. A little bit of a texture minor texture to it. It's not going to look right. Taking it apart, they fear it's probably going to make the problem worse if they have to dismantle all that up there and install new panels because everything settled already and so they, they just what they're telling. Us.

Secretary M. Rittof

Then make a monetary settlement.

Attorney J. Motylinski

Well, right. Yeah, we didn't get what we paid for. Pay me 15 grand or something.

Trustee M.J. McMillin

Don't know exactly. So then I think that would satisfy a taxpayer that would drive by there and complain that, you know, our brand new building we're paying for is dented. Well, we know that, but we have smaller dollars.

Attorney J. Motylinski

He took it all out the top.

Trustee M.J. McMillin

Yes, exactly. Yeah.

Attorney J. Motylinski

Well, and that's the sort of things that. We. Should broach with them too, because they may well be interested in just signing on the dotted line on stuff like that right in our interest in just getting this done. So, done. Of course, if there is some sort of latent defect with it, like for instance if they went too far and it does have a water penetration issue, we would have waived our claim. In connection with that. But that's just the one way that that could go.

Trustee M.J. McMillin

Did they fix the sign of the miss spelled names.

Chief John Petrakis

The proof was just received the other day and it's fine. We sent off the approval.

Attorney J. Motylinski

That's a bad way of maintaining client relations.

Chief John Petrakis

So it was on the sub that did it. For whatever reason, he took the very first draft after we looked at it twice and signed off on the third draft and he put the 1st into production so.

Secretary M. Rittof

Thanks everyone, sorry if I got upset with you, but you've been Working with this.

Attorney J. Motylinski

But it's just scratch. A while. Now the problem with these contracts is they never live up to what it says on the page, ever. It's a street fight. It really.

Trustee M.J. McMillin

Is well, it is, and Perry Wegman sitting there at the last meeting or whatever, and even out the field there is, you know, they're working for this and that's what's frustrating about they're working for the Channahon Fire District, but yet defending the subcontractors that did substandard work.

Attorney J. Motylinski

Make no mistake, they are doing anything on your behalf, right? They're in. They are in arms length. Actor. They're here to do a job. They have their own interest to keep in mind. So, yeah, they're always going to back up their Subs until they can, yeah, right.