

RESOLUTION #09-1104-10

Ratifying change order for Havener Park

WHEREAS, a change order for \$92,539.85 was approved in executive session on August 17, 2009, and

WHEREAS, the change order was agreed upon for the repair work to the Havener Park paving project, and

WHEREAS, the staff is requesting that the Board of Trustees ratify the change order for Havener Park, and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO ratify the change order for Havener Park in the amount of \$92,539.85.

This Resolution shall be in force and become effective immediately upon its execution.

Motion made by Sybert and seconded by Mann.

Vote: _____ Ms. Guzzo yes Mr. Mann yes Mr. Sybert

11-4-09
Date

Robert Mann
Robert Mann, Trustee
Curtis J. Sybert
Curtis J. Sybert, Trustee

CERTIFIED BY:

Peggy Guzzo, Trustee

Mark S. Gerber
Mark S. Gerber, Fiscal Officer



Planning
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Graphic Communications

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CONTRACT CHANGE ORDER

PROJECT: 2007 Havener Park Phase I
PROJECT#: 07075
CHANGE ORDER #: 07075 – Change Order #4
CHANGE ORDER DATE: August 19, 2009
CONTRACTOR: McDaniels Construction Corp.
CONTRACT DATE: 10/29/2007

TO THE CONTRACTOR:

You are hereby authorized, subject to contract provisions, to make the following changes:

ITEM	NET ADD	NET DEDUCT	TIME EXT. (DAYS)
407 - Tack Coat	\$2,634.50		
404 - 2" Asphalt Concrete	\$88,820.35		
642 - Striping	\$1,085.00		
TOTAL	\$92,539.85		

ORIGINAL CONTRACT AMOUNT: \$534,230.77

PRIOR CHANGE ORDERS: \$59,999.39

THIS CHANGE ORDER: \$92,539.85

REVISED CONTRACT AMOUNT: \$686,770.01

NEW DATE OF SUBSTANTIAL COMPLETION: October 1, 2009

SUBMITTED BY: Steve Kolwicz DATE: 08/19/2009
Steve Kolwicz, POD Design

APPROVED BY: _____ DATE: _____
Dave Anderson, Liberty Township

ACCEPTED BY: _____ DATE: _____
Steve Betsko, McDaniels Construction

Related Exhibits (attached):
Change Order Scope Summary
Bioswale Detail
POD Repair Recommendations Letter
McDaniels Repair Recommendations Letter
GCI Report 6-23-09



Havener Park Asphalt Repair Scope Summary

Change Order #4
August 21, 2009

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The following summary of scope for repairs of asphalt at Havener Park incorporates items presented by McDaniel's Construction in their July 10, 2009 letter as well as additional design team recommendations made to the Board of Trustees in a letter dated July 17, 2009. Both letters are attached to the change order as exhibits. The following scope shall guide the repairs authorized by Change Order #4.

It is the desire of Liberty Township to have all of the following scope items completed by October 1, 2009 in order to hold an official park dedication shortly thereafter.

Scope Summary:

1. Install underdrains in central parking island as detailed on the attached exhibit
2. Conduct proof rolling as recommended by GCI (proof rolling specifications to be provided by GCI) and observed by McDaniel's and Township representatives in order to mutually determine final extents of areas to receive full depth repairs - anticipated to be primarily in the northern drive aisle area (boring B-12) of the parking lot and any other areas observed during proof rolling operations
3. Mutually determine extent of areas to be spot repaired and augmented with up to 1" of additional asphalt leveling material during the site visit to observe proof rolling; at a minimum these include the areas around borings B-6, B-7, B-9, and B-17 from GCI's June 23 sampling
4. Remove and replace full depth areas identified in item number 2 above.
5. Bring areas identified as deficient in leveling course thickness in GCI's June 23, 2009 up to specified thickness
6. Install 2.25" additional surface course over entire existing asphalt area following repair and augmentation of level course as described above
7. Re-seed turf areas disturbed during underdrain installation
8. Provide 2 year call back guarantee to warrant against pavement failure
9. Township's selected geotechnical consultant for testing, observation/inspection to be paid directly by McDaniel's

**LIBERTY TOWNSHIP TRUSTEE
RECORD OF PROCEEDINGS
August 17, 2009**

FVF
see p. 2

PROCEEDINGS SUMMARY:

The Trustees of Liberty Township met in Executive Session Monday, August 17, 2009, at 7:00 p.m., at the Liberty Township Hall at 7761 Liberty Road, Powell, Ohio. In attendance were Chairperson Trustee Robert Mann, Trustee Curt Sybert, Township Administrator David Anderson, Township Fiscal Officer Mark Gerber, Attorney Craig Paynter, and Attorney Bill Loveland. Trustee Peggy Guzzo was absent.

MOTION: Enter into Executive Session at 6:30 p.m.

Mr. Sybert made a motion to enter into Executive Session pursuant to ORC 121.22 (G) (3) to conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. Mr. Mann seconded the motion and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with 2-yes and 0-no vote.

MOTION: Reconvene – Out of Executive Session at 7:40 p.m.

Mr. Sybert made a motion to reconvene out of Executive Session and Mr. Mann seconded the motion and the roll call vote: Mr. Mann-yes Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

REGULAR MEETING PROCEEDINGS SUMMARY:

The audio recording, resolutions passed, and any attachments constitutes an accurate record of the Liberty Township Trustee Proceedings at the above dated meeting as determined by the Fiscal Officer. The following summary is provided as an overview of the meeting and a “road map” to the audio record. Copies of this record are available by request at the Township Government Office, 10104 Brewster Lane, Suite 125, Powell, Ohio.

The Trustees of Liberty Township met in regular session Monday, August 17, 2009, at 7:50 p.m. at the Liberty Township Hall at 7761 Liberty Road, Powell, Ohio. Board Members present were Robert Mann and Curt Sybert. Trustee Guzzo arrived at 8:20 pm. Also present were Township Administrator David Anderson. Others in attendance are listed on the attached sign-in sheet.

Chairperson Robert Mann called the meeting to order with the Pledge of Allegiance. Trustee Mann also announced that the Trustees would meet in special executive session on Tuesday, August 18, 2009, pursuant to ORC 121.22 (G) (3) to conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. Trustee Guzzo was unable to attend the one prior to the meeting on August 17, 2009.

RESOLUTION: 09-0817-01: Approving "Then and Now" PO's

Mr. Sybert moved to adopt Resolution #09-0817-01 Approving "Then and Now" PO's. The motion was seconded by Mr. Mann and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and -0 no vote.

RESOLUTION 09-0817-02: Approving Bills – EFT's and warrants

Mr. Sybert moved to adopt Resolution #09-0817-02 Approving Bills – EFT's and warrants. The motion was seconded by Mr. Mann and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

RESOLUTION 09-0817-10: Authorizing the refinancing of the Havener Park notes

Mr. Sybert moved to adopt Resolution #09-0817-10 Authorizing the refinancing of the Havener Park notes. The motion was seconded by Mr. Mann and the roll call vote: Mr. Mann-yes and Mr. Sybert-yes. The motion passed with a 2-yes and 0-no vote.

CITIZEN COMMENT:

Mr. John Schuette, 5192 Seldom Seen Road, stated that two weeks ago he put in a public records request and hasn't received any of that information. He stated that he read in the paper where a change order for pavement at Havener Park was being asked for and why wouldn't there be an addendum instead of the change order. In his public records request he asked how much the township had paid to POD Design. Mr. Schuette also stated that if POD Design had done what their contract said the Township wouldn't be fixing their mistakes.

Mr. David Anderson stated that he has a draft of the information requested in the public records request for Mr. Schuette. The money the township spent in legal expenses through July is \$144,921.94. Contract for design fees paid in 2007 was in the amount of \$114,686.75. Mr. Anderson stated that items three and four on Mr. Schuette's records request do not exist yet.

Trustee Sybert stated that everything we have done in regard to Havener Park has been done on the advice of our attorney's. We do appreciate that Mr. Schuette has been able to highlight some of the problems that we have with this project and getting them rectified.

Trustee Mann stated that construction projects get paid on a draw basis. There is not a contractor that does all the work and then asks to be paid at the end of a project. We paid in accordance with our obligations under the contract. There are problems with the work that was done and we are addressing them through engineering firms and our legal counsel.

Mr. Jim Cirigliano, 10363 Churchill Drive, stated he was at the last meeting to discuss the entry way lighting for Calumet Farm Subdivision. He stated he was at the meeting to see what the conditions were since the property had already been zoned. Mr. Cirigliano stated he received a response from Holly Foust. Also, in the meantime, he found in the Zoning Code Section 21.05 C 2 that states all low voltage lighting rated 24 volts or less and holiday lighting should be exempt from the requirements of this section. Mr. Cirigliano stated that since their