

South Sangamon Water Commission
Minutes of Regular Meeting of the Board of Commissioners
Executive Session
June 19, 2012 – 8:50 a.m
Water Plant, 9199 Buckhart Road, Rochester IL 62563

Commissioners:

Present: Del McCord, William Pfeffer, Craig Hall
Absent: none
Quorum: yes

Others Present:

Terry Burke (SSWC), Herb Butler (American Water), Tim Hasara (CGWD), Dan Held (SSWC), Shane Hill (Chatham), John Myers (Rabin & Myers), Joe Pisula (Donohue), Ron Vancil (SSWC), Laura VanProyen (SSWC), Mike Williamsen (Chatham)

Executive Session began at 8:50 a.m.

Cahoy Payments and Possible Litigation:

- John Myers reported Cahoy's memo of September, 2011, stated a substantial completion date of 3/10/2012 with final completion 4/9/2012 based on delays caused by our stop order on 3/2/2011 which was lifted in August, 2011. We have never accepted these revised completion dates.
- Nine wells were substantially complete on 3/16/2012 followed by the tenth well in May, 2012. Dan Held stated the substantial completion date could be even later.
- Ron Vancil stated there are back charges for local laborers we provided at a cost of \$12,567.50.
- Myers will draft a letter claiming liquidated damages from a required substantial completion date of January 1, 2012 plus the back charges and additional bacterial testing costs caused by the delays.
- We will hold the Cahoy payment request #12 until negotiations are complete.

WesTech Retainage:

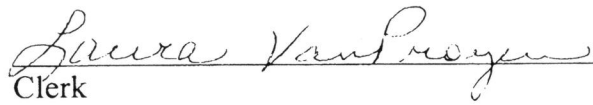
- Joe Pisula stated a letter from WesTech claims completion of their work with receipt of a new hard drive on June 19, 2012.
- Tim Hasara and Dan Held reported WesTech has been very cooperative compared with some other vendors.
- Commissioners agreed we should continue to withhold \$5,000 as retainage until the HMI works for 30 to 60 days and pay the remainder due now.
- John Myers will prepare a letter of explanation to WesTech to be enclosed with the current payment.

9:35 a.m.

MOTION by Pfeffer, second by Hall to adjourn Executive Session.

Voice vote: Motion carried.

Respectfully submitted,


Clerk

South Sangamon Water Commission
Minutes of Meeting of the Board of Commissioners
Executive Session
May 21, 2013 – 10:15 a.m.
Water Plant – 9199 Buckhart Road, Rochester, Illinois 62563

Commissioners:

Present: Del McCord, William Pfeffer, Craig Hall

Absent: none

Quorum: yes

Others Present:

Max Middendorf, John Myers, Laura VanProyen

Proceedings:

- Meeting was called to order at 10:15 p.m. by Chairman, Del McCord and roll taken.

Pending or Imminent Litigation:

- John Myers reported on recent communications from an attorney for Anderson Electric, a subcontractor of Cahoy on construction of our plant. They are owed money from Cahoy for their work on our project and have requested information from us which has been provided to their attorney.

Faulty Meters:

- Max Middendorf explained we need to look at shop drawings and who signed off on them to determine whether these were the correct meters for the wells and who specified them for our project.
- MECO Engineering was instructed to look into this and call Myers with their findings.

Air Handling System:

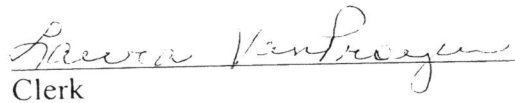
- Myers asked Middendorf whether the current HVAC design is contrary to code.
- MECO Engineering was instructed to look into this and call Myers with their findings.

MOTION by Hall, second by Pfeffer to adjourn the executive session and return to regular meeting.

Voice vote: Motion carried.

- The meeting was adjourned at 10:25 p.m.

Respectfully submitted,


Clerk

South Sangamon Water Commission
Minutes of Meeting of the Board of Commissioners
Executive Session
August 18, 2015 – 3:15 p.m.
Water Plant, 9199 Buckhart Road, Rochester IL 62563

Commissioners:

Present: Terry Burke, Craig Hall, Joel Sander
Absent: none
Quorum: yes

Others Present:

Randy Segatto, Laura VanProyen

Proceedings:

- Meeting was called to order at 5:30 p.m. by Chairman, Terry Burke and roll taken.

MOTION by Hall, second by Sander to enter into Executive Session to discuss litigation pursuant to 5ILCS 120/2 (c) 11.

Voice vote: Motion carried.

Randy Segatto reported regarding Cahoy litigation status.

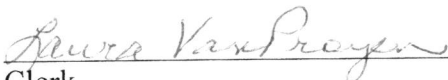
- Joe Pisula's deposition was held; Ron Vancil's is scheduled for September 15.
- Wells were drilled according to bid specifications; some things were done incorrectly.
- Delays were, in part, due to changes, stop-work order, permitting and land acquisition timing; Cahoy did not request additional time.
- Recommended negotiating a settlement rather than paying more to go to court.
- Repairs are close to being complete so costs can be quantified.
- Liquidated damages for 60 or 90 days @ \$500 plus actual repair costs would give a basis for a potential settlement offer.
- Treasurer will gather information on costs and retainage.

MOTION by Hall, second by Sander to adjourn the executive session and return to regular session.

Voice vote: Motion carried.

- Executive session was adjourned at 5:40 p.m.

Respectfully submitted,



Clerk

South Sangamon Water Commission
Minutes of Meeting of the Board of Commissioners
Executive Session
September 15, 2015 – 4:30 p.m.
Water Plant, 9199 Buckhart Road, Rochester IL 62563

Commissioners:

Present: Terry Burke, Craig Hall, Joel Sander

Absent: none

Quorum: yes

Others Present:

Randy Segatto, Laura VanProyen

Proceedings:

- Meeting was called to order at 4:30 p.m. by Chairman, Terry Burke and roll taken.

MOTION by Hall, second by Sander, second by Hall to enter into Executive Session to discuss litigation pursuant to 5ILCS 120/2 (c) 11.

Voice vote: Motion carried.

Approval of Minutes:

MOTION by Sander, second by Hall to approve the minutes of the March 30 and August 18, 2015 executive sessions.

Voice vote: Motion carried.

Litigation:

- Randy Segatto stated the total due Cahoy is approximately \$132,000 or which about \$57,000 was retainage. He suggested we make them a settlement offer taking into consideration some amount of liquidated damages and actual costs of:

\$26,000 for check valves

22,500 for pump motor replacement

4,500 for O-rings

\$53,000

- Following some discussion, commissioners agreed authorize Segatto to make an initial settlement offer.

MOTION by Sander, second by Hall to adjourn the executive session and return to regular session.

Voice vote: Motion carried.

- Executive session was adjourned at 5:08 p.m.

Respectfully submitted,

Saura Van Praegen
Clerk

South Sangamon Water Commission
Minutes of Meeting of the Board of Commissioners
Executive Session
October 20, 2015 – 4:30 p.m.
Water Plant, 9199 Buckhart Road, Rochester IL 62563

Commissioners:

Present: Terry Burke, Joel Sander

Absent: Craig Hall

Quorum: yes

Others Present:

Randy Segatto, Laura VanProyen

Proceedings:

- Meeting was called to order at 5:45 p.m. by Chairman, Terry Burke and roll taken.

MOTION by Burke, second by Sander, second by Hall to enter into Executive Session to discuss litigation pursuant to 5ILCS 120/2 (c) 11.

Voice vote: Motion carried.

Litigation:

- Randy Segatto described the counter offer received from Cahoy's attorneys agreeing to our offer of roughly \$57,000 + the estimated \$17,000 to \$20,000 due Anderson Electric + \$20,000 attorneys' fees.

- Segatto stated the attorneys' fees should not be part of any settlement amount.

- Following contact with Anderson Electric, Segatto understood the amount due them to be closer to \$42,000.

- Segatto suggested to get this resolved we could go back to them with the \$57,000 + half of their lower Anderson amount totaling an offer of \$65,500 to \$67,000.

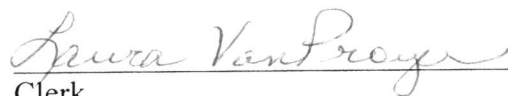
- Burke stated he could agree to getting at least a \$60,000 reduction from the total \$132,000 amount.

MOTION by Sander, second by Burke to adjourn the executive session and return to regular session.

Voice vote: Motion carried.

- Executive session was adjourned at 6:06 p.m.

Respectfully submitted,



Clerk

South Sangamon Water Commission
Minutes of Meeting of the Board of Commissioners
Executive Session
November 17, 2015 – 5:14 p.m.
Water Plant, 9199 Buckhart Road, Rochester IL 62563

Commissioners:

Present: Terry Burke, Joel Sander, Craig Hall

Absent: none

Quorum: yes

Others Present:

Randy Segatto, Laura VanProyen

Proceedings:

- Meeting was called to order at 5:14 p.m. by Chairman, Terry Burke and roll taken.

Litigation:

- Randy Segatto reported regarding communication with Cahoy's attorneys. It appeared they were getting close to an agreement. They were going to contact Anderson Electric's attorney and we have heard nothing further from them.

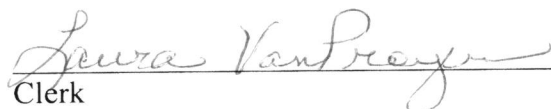
- Segatto will follow up to continue moving negotiations forward.

MOTION by Hall, second by Sander to return to regular session.

Voice vote: Motion carried.

- Executive session was adjourned at 5:25 p.m.

Respectfully submitted,


Clerk

South Sangamon Water Commission
Minutes of Meeting of the Board of Commissioners
Executive Session
January 19, 2016 – 5:15 p.m.
Water Plant, 9199 Buckhart Road, Rochester IL 62563

Commissioners:

Present: Terry Burke, Joel Sander, Craig Hall

Absent: none

Quorum: yes

Others Present:

Randy Segatto, Laura VanProyen

Proceedings:

- Meeting was called to order at 5:15 p.m. by Chairman, Terry Burke and roll taken.

Litigation:

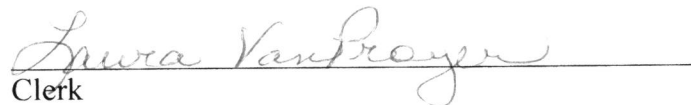
- Randy Segatto explained any settlement regarding Cahoy litigation would be an all-inclusive settlement with lien waivers from all subcontractors; the only claim known at this time is Anderson Electric.
- Our last offer was \$66,132.60; they have come down to \$100,000.
- Segatto suggested the commission make a counteroffer and work more aggressively to get this settled to avoid additional attorney fees.

MOTION by Sander, second by Hall to return to regular session.

Voice vote: Motion carried.

- Executive session was adjourned at 5:35 p.m.

Respectfully submitted,


Clerk