

Benzie County Building Authority Press Release (8/24/15)

The Benzie County Building Authority ("B.A.") is the governmental entity in charge of completing the construction of the Maples facility located in Frankfort, Michigan.

In 2010 the Benzie County taxpayers voted to approve a millage which would allow residents of this County to have an assisted care facility for their loved ones to be able to come for interim care or care for their remaining years. The Maples was originally constructed in 1964.

The Building Authority moved forward to expand and enhance the Maples facility. When the project was nearly complete in early 2015 Ed Hale, of L.A.R.A., determined that combustible material was used for the roof sheathing (O.S.B.) where the applicable Codes required installation of noncombustible material. The use of combustible material for the roof and related structures demonstrated a lack of compliance with one or more Code requirements. From all of the information the B.A. has received to date, it appears that the Project architect mistakenly recommended the use of combustible material where noncombustible material is required.

Over the last several months, the B.A. has attempted to identify a solution to this very unfortunate problem. The B.A. has consulted with the Project architect, the general contractor, its own experts, and received information from the public and other sources. The B.A. has also attempted to obtain preliminary approval from the State and Federal agencies with regard to the approach/remedy those agencies will accept - all before any work is done to correct the problem.

Sadly, the Agencies which are involved with regard to approving this facility have been unwilling to explain or identify the remedy it will accept to address the Code compliance issue. The B.A. has been reluctant to proceed with any particular remedy (spraying flame retardant material/sprinkling, razing the roof and installing factory applied fire retardant sheathing material and new shingles, spraying flame retardant material/removing the shingles and installing factory treated fire retardant sheathing over the existing decking.).

One other major challenge the B.A. faces has to do with the fact the architect's insurance company has refused to offer to pay for the complete cost of any remedy and has ignored the reality that the Federal agency involved here, CMS, is not required to annually grant a "waiver" even if the B.A. were to proceed with a remedy known as "spray and sprinkle" - Option 1.

The B.A. is extremely sensitive to the fact that the facility remains idle in spite of reasonable efforts to identify a solution which the State and Federal authorities will accept and which would avoid the risks associated with applying for an initial waiver, and subsequent annual waivers. The B.A. is mindful of its obligation to not only open the facility at the earliest available date but also to remain good stewards of the taxpayers' dollars.

The B.A. is optimistic that over the next few weeks it will be able to obtain all of the information and analysis necessary to make a fully informed and reasoned decision with regard to how best to proceed. This is truly an unfortunate set of circumstances which has been brought about by the architect's failure to provide the appropriate specification and have installed noncombustible material.

Like the taxpayers of this County, the B.A. is saddened by the series of events which have transpired over the last number of months. The B.A. is very hopeful that a resolution can be reached and the steps taken to remedy the current Code defects so that the facility is open at the earliest available date.

The B.A. will continue to conduct public meetings and will answer questions and address concerns as presented.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Longanbach". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

Thomas Longanbach
Chairperson of Building Authority