

March 24, 2009

Dear Michael and Meggan –

I am having help to write this so it comes to you clearly –

There's no going back and taking away the fact that there was exposure to the elements – I think we all agree we have to move past that to the solutions. Every professional we have spoken to – from the insurance agent, the new project manager, the architect, and the framer's representative - they all agree with our position that you are making a difficult situation worse by some of your extreme demands.

We have immediate solutions to many of these demands and are prepared to return to the jobsite to begin working on them as soon as we can move past some of these barriers.

The delays caused by some of your demands have furthered the problem – we could have sealed the building long ago and been much much closer to completion in a healthy and cooperative fashion.

Granted – there was some water damage, but houses dry and work continues and they're good houses – they're lived in. Houses don't need to be completely re-built because of water damage, and there are isolated remedies for certain issues that can be worked on quickly and very effectively.

Once we move closer to the solution we can outline a real schedule for you, but here's how we would address your scope of work;

Proposed Scope of Work

Mackay Residence
42 Maple Avenue, Pelham, NY

Exterior work – Correct **code violations** as per Engineer's Report re: the weather resistance of the building envelope. Work to start _____ and be finished within _____ business days.

1. Remove all recently installed and existing siding (Hardiplank, stucco and trim). Preserve when possible a six to nine inch border of existing sheathing around first floor windows and doors. **As per Sal's solution "Remove the casing trim from the inside of the home and flash the unit from the inside using galvanized flashing and tar caulking to complete a seal to the 2x4 studs. This method will utilize the standard of step flashing that we incorporate when flashing a roofline. This method is also a Anderson window recommendation. After the flashing is complete foam insulation can be applied to the opening as to further seal the flashing against the DF timber. Then the trim can be reapplied.**
2. Remove newly-installed windows and doors on second story. **(same as Above)**
3. Evaluate integrity of OSB siding and fasteners after extended exposure to weather (particularly north face). If indicted, replace. **The North side can be be addressed – all other sides are**

already stuccoed – we are not removing the stucco. We will correct any OBS and fasteners issue on the North wall.

4. Apply flashings and weather resistant sheathing (Tyvek) in conformance with Res. Code Ch. R7. Ensure sheathing material wraps inside the cavities of new windows and doors. For first floor windows and doors, ensure maximum overlap between new and preserved sheathing. **As above, only the North wall.**
5. Before proceeding, ensure Architect and PE verify sheathing material has been applied correctly. **MyHOMe Architect will inspect and advise.**
6. Reinstall windows and doors according to manufacturer's recommendations. **See #1.**
7. Reinstall trim and Hardiplank siding per manufacturer's recommendations. **We will reinstall trim and complete any missing trim, planks are not being removed so they are not being replaced.**
8. Install stucco siding in accordance with Bldg. Code Sec. 2512. **See #1, North wall only.**
9. Replace water-damaged insulation under porch roof and install porch ceiling. **OK.**
10. Evaluate integrity of 2nd floor chimney masonry work applied during sub-freezing temperatures. If indicated, replace. Fix mortar to match existing on first floor. **OK.**
11. Complete chimney extension, including reframing with pressure-treated lumber, per Architect's Plan. **OK.**
12. Before proceeding to finishing work, have **MyHome Architect (only), Building Inspector and PE** verify building envelope is weather resistant.
13. Complete all exterior items on punch list of sub-contractor errors ~~and code violations~~. **Punch List OK. Building has passed stages of town inspections – next level of inspection we will be prepared for and will pass.**

Exterior tasks not related to sub-contractor errors ~~and code violations~~: **it is not a code violation to have a natural condition like mold.**

14. Prime, caulk and paint exterior of new construction (Hardiplank and trim). New stucco over entire house will NOT require painting.
15. First paint, then install gutters and down spouts.
16. Complete all items on remaining exterior punch list.

Interior work: second floor –Correct ~~code violations per Engineer's Report re:~~ water and mold exposure site conditions. Work to start _____ and be finished within _____ business days.

1. Remove all moisture-affected sheetrock, insulation and finishing materials to the framing members (exterior walls only). Seal house envelope and allow humidity to dry naturally. We offer a 5 year warranty on our work so if any warranty work is needed we will perform it.
2. Remediate any existing mold/mildew conditions per Remediation Guidelines. Same as above.
3. Replace second floor sub-flooring damaged by rain. As per Sal, "On the flooring issue I would like to remove several boards and clean any insulation debris, then overlay the flooring with ¼" plywood glued and screwed to the existing floor. This would give the homeowner a clean surface to attach a carpet without increasing the thickness greatly"
4. Replace insulation under sub-floor damaged by rain. Same as above.
5. Install 2nd floor plywood per Plans. Please clarify – I do not know what item this is.
6. Before proceeding to finishing work, have My Home Architect (only), Building Inspector and PE inspect second floor for compliance with current Energy Conservation Codes, Electric Codes, etc.
7. Test new construction areas prior to installing finish materials to ensure moisture levels conform to Remediation Guidelines. You are welcome to test anything you like at your own expense. The work will stop and we will return to the discussion table until the best solution is agreed upon by all parties involved.
- ~~8. Complete all items on second floor punch list of sub-contractor errors and code violations.~~
Whatever punch list you create after we have returned to work will be completed.

Interior second floor tasks not related to sub-contractor errors ~~and code violations:~~

9. Complete all items on remaining second floor punch list. See #8.

Interior work: first floor – Repair water and mold damage. Since first floor's remediation is a direct effect from the new addition, it is subject to compliance with the same Codes as used for the second floor. Work to start _____ and be finished within _____ business days.

1. Prior to demolition work, test existing paint samples for presence of lead. If found, apply precautions as per NY and Federal guidelines. OK.
2. Prepare and file with Village of Pelham amendment to work permit application specifying new scope of work. No permit required for painting job. We already have permit for all other work.
3. Scrape and remove existing plaster and sheetrock from walls and ceilings. Where necessary, other areas to be sanded and spackled .
4. Scrape and remove damaged paint from existing trim, windows, doors, radiators and other finished surfaces. Sand and prepare for repainting.
5. Remove existing insulation. Only in walls that we will be removing.
6. Repair or replace any structural members that do not comply with current Code. If it's exposed and we see it we will fix it. This can only be determined once work begins.

7. Remediate any existing mold/mildew per Remediation Guidelines. **The guidelines are too severe – once the building is closed and dry these conditions will resolve themselves, we will work on all affected areas once that drying out process has happened.**
 8. Perform any required electrical upgrades for Code compliance. Submit electrical permit to Village of Pelham. **Not relevant, permit already exists.**
 9. Obtain appropriate framing and electrical inspections. **Already done and passed.**
 10. Replace insulation. **See #3, where necessary.**
 11. Ensure ~~building Inspector~~, MyHome Architect ~~and PE~~ inspect first floor for compliance with current Energy Conservation Codes, Electric Codes, etc. **Town inspections already passed.**
 10. Test new construction areas prior to installing finishing materials to ensure moisture levels conform to Remediation Guidelines. **As mentioned prior, you are welcome to test anything you like at your own expense. The work will stop and we will return to the discussion table until the best solution is agreed upon by all parties involved.**
 12. If necessary, refinish oak floor. **OK, at \$2.50 per sqft your expense.**
 13. Proceed with all finishing work according to standard building practice. **OK, as long as you agree to our new Project Manager and his supervision, and meet with him regularly to check progress.**
 14. Homeowner will vacate the premises during demolition phase (tasks 1 – 7) and any other task that proves hazardous to occupants (e.g., painting). Moving and housing expenses to be paid by MyHome. **Will be negotiated – pleas provide us with numbers for this.**
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That's your points one by one. If you can't find a way to accept our comments on your scope of work, we have no choice but to wait for the insurance process to complete itself.

Based on some of your other points:

We will not pay for your engineer. It's a modest project and all the necessary assessment has been done. Let's move on to getting the work started.

I'll be back from my visit home on April 3rd – I'll be getting e-mails while away and although I'll be delayed I will answer.

Thank you - Lior Noy.