

*Watervliet City School District
Watervliet, New York 12189*

BOARD OF EDUCATION

SPECIAL MEETING

*September 29, 2008
7:30 A.M.
Watervliet Jr.-Sr. High School*

A G E N D A

I. CALL TO ORDER PRESIDENT, **Donna M. Neary-Hart**

II. BOARD MEMBERS PRESIDENT, **Donna M. Neary-Hart**
VICE PRESIDENT, **Mark W. Scully**
Christine Chartrand
Frank McGrouty
Virginia Mullaney

SUPERINTENDENT **Paul J. Padalino**

III. COMMENTS FROM THE FLOOR

In accordance with Board Policy Number 2310, the privilege of speaking from the floor will be extended to any person in attendance. Persons desiring to speak shall be required to give their name and address and will be limited to three (3) minutes for their presentation. The time allowed each speaker may be adjusted by the chair. The speaker's privilege may also be terminated by the chair if found to be out of order.

IV. OLD BUSINESS

V. BOARD, STAFF AND STUDENT REPORTS

VI. GENERAL

1. **RESOLVED** that the Board approve the **Comprehensive Educational Plan (CEP)** for the Watervliet City School District for 2008 – 2009, as recommended by the Superintendent.
2. **WHEREAS**, two Verified Notices of Claim have been served upon the School District by Eastern Building & Restoration, Inc. – the first claim for roofing work completed at the High School, wherein the general contractor seeks payment in the amount of \$89,645.00 and the second claim for roofing work completed at the Elementary School, wherein the general contractor seeks payment in the amount of \$76,765.00, said work having been completed as part of the District's Additions and Alterations Junior-Senior High School, 1245 Hillside Drive, Watervliet, New York and Elementary School, 2557 Tenth Avenue, Watervliet, New York capital project (SED Control Nos. 01-12-00-01-0-001-010 and 01-12-00-01-0-006-009, respectively); and

WHEREAS, Eastern Building & Restoration, Inc. also has filed a Request for Mediation with the American Arbitration Association ("AAA") relative to the roofing claims (AAA Case No. 15 124 00544 08); and

WHEREAS, upon information and belief Eastern Building & Restoration, Inc. has also commenced a lawsuit in New York State Court relative to the roofing claims but has not yet served the School District with service of process; and

WHEREAS, the District has investigated the claims and consulted with Richard Bald, AIA, Senior Architect for FRA in Henrietta, New York and believes that the Project Architect (Collins & Scoville Architects, P.C. n/k/a "CSArch") is responsible for numerous errors, omissions, etc., which have resulted in these claims, as well as the accrual of additional costs that the District either has or will incur relative to the Project; and

WHEREAS, the District desires to state any appropriate defenses it may have to the claims as well as interpose any claim it may have against Collins & Scoville for the aforesaid roofing claims and additional costs that the District either has or will incur relative to said matter; and

WHEREAS, the District also desires to defend the Mediation and bring any appropriate Third-Party actions that may be necessary to protect the District's interests and rights relative to this matter.

BE IT RESOLVED, that the Superintendent of Schools and school attorneys are hereby authorized to defend the Mediation and interpose any and all appropriate claims that the District may have against Collins & Scoville Architects, P.C. n/k/a "CSArch"; and

BE IT RESOLVED, that the Superintendent of Schools and school attorneys may file any and all appropriate Mediation Requests and/or Third-Party actions against Collins & Scoville Architects, P.C. n/k/a "CSArch" and others affiliated with the project, who may have contributed to the errors and omissions, etc., relative to the Watervliet City School District's Additions and Alterations Junior-Senior High School, 1245 Hillside Drive, Watervliet, New York and Elementary School, 2557 Tenth Avenue, Watervliet, New York capital project (SED Control Nos. 01-12-00-01-0-001-010 and 01-12-00-01-0-006-009, respectively); and

BE IT FURTHER RESOLVED, that the Superintendent of Schools and school attorneys may make all necessary arrangements and take all necessary actions necessary to advance said claims, mediation and Third-Party actions through to their conclusion.

VII. NEW BUSINESS

VIII. COMMENTS FROM THE FLOOR

IX. ADJOURNMENT

NOTE: All district appointments are subject to fingerprint clearance by the NYS Education Department and verification of Permanent or Pending Certification by NYS.