

**MARPLE NEWTOWN SCHOOL DISTRICT
SPECIAL BOARD MEETING
WEDNESDAY, NOVEMBER 4, 2009
BOARD ROOM
MINUTES**

PRESENT: Board: President Dave McGinley, Vice President Edward Partridge,
Mr. Michael Molinaro, Dr. Jeffrey Shapiro, and Mr. Richard Sokorai.

Administration: Dr. Merle Horowitz, Dr. Constance Bompadre, Mr. Michael
Dumin

Audience: 16

1. CALL MEETING TO ORDER and 2. PLEDGE OF ALLEGIANCE

Mr. David McGinley called the meeting to order at 6:03 p.m. and thanked everyone in attendance. He then led the Pledge of Allegiance.

3. ROLL CALL

Ms. Susan Ferraro called the roll. A quorum of five members, Mr. David McGinley, Mr. Edward Partidge, Mr. Michael Molinaro, Dr. Jeffrey Shapiro, and Mr. Richard Sokorai were present.

4. APPROVAL OF THE AGENDA

Mr. David McGinley asked for a motion to accept the agenda, as presented. Mr. Richard Sokorai made the motion, seconded by Mr. Edward Partridge.

With no further discussion, motion passed: 5-0

5. PUBLIC COMMENTS (Agenda Items Only)

There were no public comments on agenda items.

6. OTHER REPORTS

There were no other reports.

7. FACILITIES AND TRANSPORTATION COMMITTEE

7.01 High School Renovations and Additions Project

Mr. Michael Molinaro asked Mr. Dumin to comment on the background of the two motions on this agenda. Mr. Dumin explained why we are where we are. He stated that there are some issues with the HVAC contract. The District accepted the bid of the lowest responsible bidder, which was not the lowest bidder. We are in a legal issue at the present time. We were supposed to sign contracts as of October 30. We have not done that yet. We are trying to break out the HVAC part of the contract, which is the area that is in dispute.

To move forward we may have a couple of issues. If we agree to tonight's motions, and we can cut out the HVAC part, it will be another week and a couple days before we get the PlanCon F letter from the state. We can then sign contracts. That puts us two weeks behind at this point. Mr. Dumin went on to say that, in his experience with projects like this one, most contractors will shrug and say let's see how it works out. They could, however, say we caused a delay, and charge us delay claims. That could result in additional charges for overtime to catch up. As long as the HVAC issue is resolved by the end of November, or no later than the first week of December, that would limit our exposure at this point. If it goes longer, then the HVAC issue could impact other parts of the project. The first scheduled event is starting December 23rd, some underground work, then we could have delays.

Mr. Molinaro asked Mr. Mark Sereni if FS loses their injunction, would it be possible to sue them for any damages? Mr. Sereni responded that the possibility exists, and that is why we have a bond posted for security. Mr. David McGinley stated his concern that if this issue does hold up other contracts, can we get the other contractors to agree to sign off so there would not be any delay claims? How can we protect ourselves? Mr. Sereni responded that we could try that, but awarding contracts is a form of contract in itself. Mr. McGinley said that we should try anyway, for our own protection.

Dr. Shapiro asked Mr. Dumin if we could shuffle the work schedule to keep the HVAC from impacting construction all together? Mr. Dumin responded that he is looking into that to see what we could do to keep work moving so the end date is the same.

Mr. Richard Sokorai asked why, since there is no court order, can't we proceed with our choice right now? Mr. Sereni responded that we must go by PDE rules, and if we want funding through PlanCon we must abide by them.

Mr. McGinley asked if, when the judge makes a decision, we would be off the hook? Mr. Sereni responded that if the judge grants the preliminary injunction, the Board would have to decide what to do at that point.

Mr. Molinaro then asked for a motion to approve submittal of PlanCon Part F-Phased documents to the Pennsylvania Department of Education for the Marple Newtown High School Renovations and Additions project.

Motion was made by Mr. Richard Sokorai and seconded by Mr. Edward Partridge.

With no further discussion, motion passed 5-0

Aye: Mr. David McGinley, Mr. Edward Partridge, Mr. Michael Molinaro, Mr. Richard Sokorai,
Dr. Jeffrey Shapiro

Nay: none

Abstention: none

Mr. Michael Molinaro then asked for a motion to approve submittal of REVISED PlanCon Part F, Attachment C "Post-Bid Opening Notification" to the Pennsylvania Department of Education for the Marple Newtown High School Renovations and Additions project.

Motion was made by Mr. Richard Sokorai and seconded by Mr. Edward Partridge.

With no further discussion, motion passed 5-0

Aye: Mr. David McGinley, Mr. Edward Partridge, Mr. Michael Molinaro, Mr. Richard Sokorai,
Dr. Jeffrey Shapiro

Nay: none

Abstention: none

Mrs. Dana Kaufman arrived in the meeting at 6:20 p.m.

8. COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

9. COMMENTS FROM THE BOARD

There were no comments from the Board.

10. ADJOURNMENT

With no further business, Mr. McGinley adjourned the meeting at 6:23 p.m.

Respectfully submitted by:

Joseph Driscoll, Board Secretary