

*Watervliet City School District  
Watervliet, New York*

**BOARD OF EDUCATION**

**SPECIAL MEETING**

**Minutes**

**DATE:** *SEPTEMBER 29, 2008*

**TYPE OF MEETING:** Special Meeting

**MEETING OPENED:** 7:55 A.M.

**WHERE:** Watervliet Jr.-Sr. High School

**BOARD MEMBERS PRESENT:** President, Donna Neary-Hart  
Vice President, Mark W. Scully  
Christine Chartrand  
Frank McGrouty  
Virginia Mullaney

**SUPERINTENDENT:** Paul J. Padalino

The meeting was opened at 7:55 A.M., with President Donna Neary-Hart officiating.

**COMMENTS FROM THE FLOOR**

There were no comments from the floor.

**OLD BUSINESS**

There was no old business to be discussed.

**BOARD, STAFF AND STUDENT REPORTS**

There were no Board, Staff or Student Reports presented.

**GENERAL**

On a motion by Virginia Mullaney, seconded by Frank McGrouty and unanimously accepted, the Board approved the **Comprehensive Educational Plan (CEP) for the Watervliet City School District for 2008 – 2009**, as recommended by the Superintendent.

On a motion by Virginia Mullaney, seconded by Frank McGrouty and unanimously accepted, the Board approved the following resolutions:

**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. 01-12-00-01-001-010 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.

**NEW BUSINESS**

There was no new business to be discussed.

**COMMENTS FROM THE FLOOR**

There were no comments from the floor.

**ADJOURNMENT**

On a motion by Donna Neary-Hart, seconded by Christine Chartrand and unanimously accepted, the Board **adjourned** the meeting at 8:10 A.M.

*Respectfully submitted,*

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*Bernadette L. Boardman  
Clerk of the Board*

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