

**EAST STROUDSBURG AREA SCHOOL DISTRICT
BOARD OF EDUCATION
SPECIAL MEETING - JULY 5, 2006**

J. T. Lambert Intermediate School - Library

6:00 p.m.

Minutes

- I. Horace Cole called the meeting to order at 6:00 p.m. and led those present in the pledge of allegiance. Superintendent's Office Secretary, Deborah Brooks, called the roll.
- II. Members present were: Horace Cole, Robert Gress, Keith Karkut, Don Motts, Michal Peterson, and William Searfoss. Bet Hays arrived late at 6:49 p.m. Christopher Baj and William Zacharias were absent.
- III. School personnel present: Rachael R. Heath, Gregory L. Naudascher, Sharon L. Laverdure, Douglas C. Arnold, Marie S. Guidry, Pat Mulroy, Steve Zall, Eric Forsyth, Irene Duggins, Larry Dymond, Mike Silvoy, Oliver Trojak and Deborah Brooks. Also present was: Thomas Dirvonas - Solicitor.
- IV. Media Guest present: Dan Barrett, Pocono Record

Community members present: Greg Menio, Marlia Boettchr, Karen Malachowsky, Emmet Mancinelli, John Siptroth, Keith Winot and Mark Vetcher.
- V. APPROVAL OF AGENDA

ACTION BY THE BOARD:

Motion was made by William Searfoss to approve this agenda for July 5, 2006 (page 1), as submitted, with the Board of Education reserving the right to add to the agenda, and take further action on any items raised. Motion was seconded by Keith Karkut and carried, 6-0.

PUBLIC PARTICIPATION:

State Representative, John Siptroth, spoke, reminding everyone that the school district picked up an extra 1.9 million as a direct relationship of the visit by Superintendent, Ms. Guidry and Mr. Baj. Their influence in the Democratic and Republican Caucus in Harrisburg played a significant part in the increase due to their explaining that the district needed the extra help. They will continue the drive for more funds due to the growth. A budget formula was put in place to get additional funds.

Dr. Heath thanked Mr. Siptroth for spear heading the committees and will call Mr. Scavello to also thank him.

Mr. Cole, on behalf of the Board, thanked Mr. Siptroth for all of his help.

Mr. Dirvonas reported that as a result of the flood, there are legislation and proclamations to review. Ms. Guidry contacted PEMA as opposed to FEMA and talked to John Ford who assured her that we are subject to non bid regulations as other political sub divisions. Mr. Dirvonas reviewed proclamation and statutes. As a result of a flood, sub divisions are not required to get bids as an order to address emergency issues. Statutes do not include a school district. Mr. Dirvonas spoke to Chris Evans of PEMA who advised him on regards to reimbursement issues. The issues have nothing to do with being exempt from these requirements. Mr. Dirvonas also spoke to Mario Scavello and is in agreement that the district cannot approve a contract as proposed without an emergency certification from PDE, therefore putting the district in a bind. Ms. Guidry is following up with three quotes. Mr. Dirvonas is suggesting that we try to piggy back on East Stroudsburg Borough since they are exempt. Someone from the Board should be at their meeting tonight to ask if we can work with them. The borough can pay and then the school district can reimburse the borough for their percentage of the work.

Ms. Peterson asked if we did agree to go with the borough, when do we vote on it? Mr. Dirvonas said the Board can authorize the Superintendent, solicitor and business manager to enter into this agreement.

Mr. Karkut asked why we are not part of this emergency. Mr. Dirvonas said that the emergency act said that political sub division can suspend rules, but it doesn't list the school district as a sub division.

Mr. Karkut asked if we vote are we voting illegally? Mr. Dirvonas said that school districts would not be voting illegally but that the school districts are not listed under proclamation and statutes as political sub divisions just counties, townships, towns and boroughs. Other sections of Pennsylvania statutes list the school district as municipalities.

Mr. Searfoss asked what would the ramifications be for voting on this? He wanted to know if the district would be excluded from federal aid to put stream bank back.

Mr. Dirvonas suggested that the Board not vote because we may be subject to a surcharge or slap on the wrist with a fine.

Mr. Searfoss said that PDE is working against the students and to save land for their fields by PDE not seeing this as an emergency. If we vote on this we will make one fraction of the state government annoyed or upset. Mr. Dirvonas said that we can be subject to lost of office.

Ms. Peterson said that PDE is going to tell the people on Button Court that this is not an emergency.

Mr. Dirvonas said that PDR is not going to tell them anything they do not make this determination if it's an emergency or not.

Mr. Karkut asked if this proposal includes the top part of the island or just the side.

Dr. Heath said we do have a proposal from Site Tech and Mr. Gress asked her to call another company and she called Locust Ridge as well. But this firm would like more time to review the work required.

Mr. Dirvonas said that before the board makes a decision on where it's going to go, PDE will require sealed quotes. Therefore he suggested that the bids not be disclosed to the public because they may raise additional issues. On the other hand, if they want to issue an award they can make figures public.

Mr. Gress asked if we can we do a change order with existing contractor that we have with the fields or something to circumvent this whole process. He spoke to East Stroudsburg and hadn't made a decision. We have to make sure we know who the borough is using.

Mr. Dirvonas said if you add to the existing contract it would be a stretch. He believes the borough has two quotes.

Mr. Siproth said since you have not received a final ruling since it's an issue from one of the departments, can you do conditional ruling?

Mr. Dirvonas said we can do conditional ruling.

Ms. Peterson said that still leaves us up in the air because if the funding doesn't come through then what.

Mr. Karkut said we had an emergency in December and we put it off because of PDE and now we lost 60 plus feet. It's not a matter of losing fields but if it goes into the island it would make matters worst.

Mr. Searfoss said that PDE is dragging their feet.

Dr. Heath was told Friday that the district did not have to bid but Mr. Dirvonas checked and it's not the case.

Mr. Dirvonas said PEMA is saying that they are looking at eligibility for reimbursement. They are not looking at it from the bidding requirements.

Mr. Gress wants us to make sure to work with the borough. We should move forward otherwise it will cost more money.

Mr. Searfoss asked if we PDE will give us time if we go with the Borough and it doesn't work out.

Mr. Gress made a motion not exceed the quote of highest quote of \$872,000.26.

ACTION BY THE BOARD:

Motion was made by William Searfoss to suspend the rules of the day for this meeting. Motion was seconded by Keith Karkut and carried, 6-0.

VI. FISCAL ITEMS

(The following item(s) are to be deleted from the consensus motion at Board Member(s) request.)

A.

ACTION BY THE BOARD:

Motion was made by Robert Gress to recommend that the Board negotiate with the Borough of East Stroudsburg for an Intergovernmental Agreement whereby the Borough would contract for the construction of emergency remedial work on the Brodhead Creek, including the stream bank work required by the District, with the District to reimburse the Borough for an amount not to exceed the District's share of costs based upon quotes received, or to be received. In the event that such an Intergovernmental Agreement cannot be reached, then upon approval of the emergency application being submitted to PDE, the officers of the Board of Education are authorized accept at least three (3) proposals and to award a contract for stream bank work to the lowest responsible firm presenting a proposal. Motion was seconded by Donald Motts and passed 6-0.

B.

ACTION BY THE BOARD:

Motion was made by Keith Karkut to approve the application of the additional anticipated state funding in the amount of \$412,364.00 to the fund balance in the general fund. Motion was seconded by Bet Hays and carried, 6-1. ROLL CALL VOTE: Robert Gress, Bet Hays, Keith Karkut, Donald Motts, Michal Peterson and William Searfoss voted for. Horace Cole voted against.

VII. ADJOURNMENT – 7:00 P.M.

Respectfully Submitted,

Deborah Anne Brooks
Superintendent's Office Secretary