

HAMPTON BAYS UNION FREE SCHOOL DISTRICT

DATE: February 13, 2015 **KIND OF MEETING:** Special
LOCATION: DO Conference Room **PRESIDING OFFICER:** Vice President
MEMBERS PRESENT: Warren Booth Richard Joslin, Kevin Springer, Dot Capuano
MEMBERS ABSENT: Chris Garvey
OTHERS PRESENT: Larry Luce, Lars Clemensen, Anna Marie Rojas
CALL TO ORDER: 8:08 AM
EXECUTIVE SESSION; 8:09 AM
RESUME MEETING: 8:15 AM
ADJOURNMENT: 8:18 AM

Resolution #	Description	Outcome
Resolution #185	Approval of Order of Agenda	Passed
Resolution #186	Authorization to Terminate, For Cause, North Star Concrete Construction Corp's Involvement in the New Comfort Station (SED No. 58-09-05-07-019-001) and New Storage Building (SED No. 58-09-05-02-2-020-001) Projects	Passed

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Mr. Booth called the Special meeting to order at 8:08 AM.

On a motion by Mr. Springer, seconded by Ms. Capuano the Special meeting adjourned to Executive Session to discuss matters pertaining to potential legal matter 8:09 AM.

At 8:15 AM the board reconvened into public session.

On a motion by Mr. Joslin seconded by Ms. Capuano the following resolution was offered:

Resolution #185

BE IT RESOLVED that the Board of Education approved the order of the agenda.

4 aye

CLERK'S REPORT

None

BUSINESS, FINANCE, AND OPERATIONS

On a motion by Mr. Joslin, seconded by Ms. Capuano, the following resolution was offered:

Resolution #186

WHEREAS, the Hampton Bays Union Free School District (the "School District") Board of Education (the "Board"), by resolution, approved the award of the Bond Referendum for the construction of the New Comfort Station (SED No. 58-09-05-07-019-001) and New Storage Building (SED No. 58-09-05-02-2-020-001) (collectively the "Project") to North Star Concrete Construction Corp. ("North Star") for a fixed stipulated sum in the amount of \$792,000.00;

WHEREAS, on January 14, 2015, pursuant to Section 3.1 of Performance Bond No.: 1001024245 provided by U.S. Specialty Insurance Company (the "Surety"), the School District notified North Star and the Surety that the School District was considering declaring North Star in default and terminating the Contract;

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WHEREAS, on January 23, 2015, the School District met and discussed with North Star, BBS Architects, Landscape Architects, & Engineers P.C., and the Surety a plan to address North Star's deficiencies. These deficiencies include North Star's failure to timely discharge mechanics' liens on account of public improvements, failure to make payments to subcontractors, failure to correct deficient work, and other breaches of its obligations;

WHEREAS, on January 28, 2015, the School District provided North Star and the Surety with a written schedule for the exchange of documents relating to the Project's completion and financial status with a deadline for February 10, 2015, as agreed upon by North Star and the School District during the January 23, 2015 meeting;

WHEREAS, on February 10, 2015, North Star and its counsel advised the School District's counsel that it would not be complying with the deadline and therefore, the exchange never took place;

NOW, BE IT RESOLVED that the Board, hereby authorizes the School District's representatives, pursuant to Section 14.2 of the General Conditions of the Contract, as modified by the First and Second Supplementary General Conditions of the Contract, and as otherwise modified, to terminate North Star's Contract, for cause, by sending notice, substantially in the form attached, as may be modified by counsel.

4 aye

PUBLIC COMMENT – None

ADJOURNMENT

On a motion by Ms. Joslin seconded by Ms. Capuano, the Special meeting adjourned at 8:18 AM.

4 aye

Respectfully submitted,

**District Clerk
Anna Marie Rojas**