

McKeesport Area School District
Special Board Meeting
August 4, 2009

Presiding Lori Spando, President

Date, Time, Place Tuesday, August 4, 2009, 7:30 PM, Board Room,
Administration Building, 3590 O'Neil Boulevard,
McKeesport, PA 15132.

Opening Exercises Ms. Spando called the meeting to order at 7:30 PM,
Followed by the Pledge to the Flag.

Present James Brown
Joe Chiaverini – by phone
David Donato
Chris Halaszynski
Steve Kondrosky
Joe Lopretto
Lori Spando
Barb Stevenson
Wayne Washowich

Others Present Dr. Michael Brinkos, Superintendent
David Seropian, Business Manager/Board Secretary

Reading of Notice of Special Meeting – The following legal ad appeared in THE DAILY NEWS on Friday, August 1, 2009: The Board of Directors of McKeesport Area School District will hold a Special Meeting on Tuesday, August 4, 2009, at 7:30 PM in the Board Room of the Administration Building, 3590 O'Neil Boulevard, McKeesport, PA 15132. The purpose of the meeting is for general school business.

Hearing of Citizens –

Andrea Abrams, 2018 Duquesne Avenue, McKeesport, PA 15132.
Mrs. Abrams addressed the Board on the issue of the agenda items.

Proposal – Mr. Donato moved to approve the fee proposal from Dillon, McCandless, King, Coulter & Graham L.L.P. for providing legal services as approved at the June 24, 2009 Board Meeting at a rate of \$145 per hour. Seconded by Mr. Halaszynski. Discussion followed.

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Voting aye. Mr. Brown, Mr. Chiaverini, Mr. Donato, Mr. Halaszynski, Ms. Spando

Voting no. Mr. Kondrosky, Mr. Lopretto, Mrs. Stevenson, Mr. Washowich

Document – Mr. Donato moved to approve the AIA Document B132-2009 (Architect Agreement) between the McKeesport Area School District and N. John Cunzolo Associates, Inc. to provide architectural services for capital projects as outlined in the agreement. Seconded by Mr. Halaszynski. Discussion followed.

Voting aye. Mr. Brown, Mr. Chiaverini, Mr. Donato, Mr. Halaszynski, Ms. Spando

Voting no. Mr. Kondrosky, Mr. Lopretto, Mrs. Stevenson, Mr. Washowich

Mrs. Stevenson read a letter into the minutes from George Gobel, Solicitor – This is in regard to why he is not here tonight because he had a previous engagement he did not know about this meeting. I would advise, however, that the Board **not** enter into any new Architectural Agreement with N. John Cunzolo, or any other firm or entity, until such time as that proposed Agreement has been properly reviewed by me as the District Solicitor and District Administration Officials, and discussed with Members of the Board of School Directors. Please note that the Architectural Agreement submitted for the Board's consideration was drafted by a representative of N. John Cunzolo Associates, Inc. and **not** myself as School District Solicitor, and should be revised significantly to protect the financial interest of McKeesport Area School District and to salvage some of the money and work already done by L. Robert Kimball & Associates.

In preliminarily reviewing that proposed Agreement for Architectural services as submitted by N. John Cunzolo Associates, Inc. there are certain provisions which are unconscionable for the School District and I believe Superintendent Brinkos and Mr. Seropian have drawn similar conclusions from their preliminary review of that Agreement. At this time, I have not yet been authorized by the Board of School Directors to do a complete review and revision of the Architectural Agreement for N. John Cunzolo Associates, Inc. and I would like authorization from the Board to do so. At the current time, N. John Cunzolo & Associates, Inc. is still the Construction Manager for the School District and has been paid based on that Construction Manager Contract since the inception of the current building projects and I wonder if it is the Board's intention for N. John Cunzolo Associates, Inc. to simultaneously act as School District Architect and Construction Manager and get paid for both. There is nothing in the proposed

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Architectural Agreement with N. John Cunzolo Associates, Inc., or any of the other items appearing on tonight's Agenda, which would require Cunzolo to resign from its current position as Construction Manager.

In conclusion, I wish to point out to the Board that it is a School District Solicitor's responsibility to provide a School District with proper legal advice on all matters that fall within the legal purview of the School District and relate to legal affairs of the School District and I will not compromise the responsibility of the School District Solicitor to accommodate the interest of any one or several School Directors. If a majority of School Directors wish to proceed with approving the Architectural Agreement with N. John Cunzolo Associates, Inc. at tonight's special board meeting, and as submitted solely by a representative of N. John Cunzolo Associates, Inc. and without any review, revision or comment by the School District Solicitor or Administration, in my opinion, the School District will be jeopardizing hundreds of thousands, if not millions of dollars of taxpayer money. Again, I recommend that the School Board **not** take any action at tonight's special meeting to approve the Architectural Agreement with N. John Cunzolo Associates, Inc. as submitted by a representative of N. John Cunzolo Associates, Inc. and without first having that Agreement reviewed and revised by the School District Solicitor and Administration.

I wish for the content of this e-mail relating to my advice and recommendation concerning any new Architectural Agreement with N. John Cunzolo Associates, Inc. or any other Architect or entity, to be entered as part of the Public Agenda at tonight's special meeting.

This is from George Gobel, Esquire – our solicitor. Discussion followed.

Correspondence – None.

New Business –

Legal Work – Mr. Donato moved to transfer all McKeesport Area School District legal work currently being performed by Dodaro Cambest, the firm that we replaced earlier in the year to the Dillon, McCandless, King, Coulter and Graham Law Firm immediately. Over the course I have come to find that since we replaced the Dodaro Cambest Law Firm we are being billed to this date \$14,000 in an ongoing situation we thought we replaced them by naming George Gobel solicitor, but I found that legal work has continued and continues to go on during that period of time. I would like to have that transferred to the Special Council, Dillon, McCandless, King, Coulter and Graham. Seconded by Mr. Brown. Discussion followed.

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Voting aye. Mr. Brown, Mr. Chiaverini, Mr. Donato, Mr. Halaszynski, Ms. Spando

Voting no. Mr. Kondrosky, Mr. Lopretto, Mrs. Stevenson, Mr. Washowich

Adjournment – 8:00 PM – Mr. Donato moved for adjournment. Seconded by Mr. Halaszynski.

Voting aye. All Members present.

ATTEST: _____
David M. Seropian, Business Manager/Board Secretary