

## CALL TO ORDER AND ROLL CALL

The Special meeting of the Northampton Area Board of Education was called to order by President Doug Vaughn on the above date at 7:05 p.m. in the Auditorium of the Northampton Area High School. Present were Michael Baird, John Becker, Kim Bretzik, Chuck Frantz, Josh Harris, Ross Makary, Brian McCulloch, Kristin Soldridge, and Doug Vaughn.

Others present were: Joseph Kovalchik, Superintendent; Michelle Schoeneberger, Assistant Superintendent; Craig Neiman, Business Administrator; Jason Williamson, Assistant Business Administrator; Michael Alogna, Director of Human Resources; Katie Trach, Elementary Curriculum Supervisor; Scott Oste, Secondary Curriculum Supervisor; Luke Shafnisky, Principal, Northampton High School; Michael Lopata, Principal, Northampton Middle School; Curtis Dimmick, Principal, Moore Elementary School; Shannin Peters, Principal, Lehigh Elementary School; Kaitlyn McNally, Assistant Principal, Borough Elementary Schools; Kurt Paccio, Director of Technology; Jonathan Jenny, Director of Operations; Daniel Rodrigues, Maintenance Supervisor; William LaFrankie, Supervisor of Facilities; Wilfred Williams, Chief of District Police Department; Avery Smith, Esquire, Solicitor; Jay Clough, KCBA; Arif Fazil and Chris Haller, D'Huy Engineering; one hundred twenty-four (124) members of the public, and one (1) member of the press.

## BOARD/ADMINISTRATIVE ITEMS:

Mr. Vaughn stated that he has asked the members of the Board to participate in District-wide events in order to be available to the public. At the January meeting, administration will have a list of upcoming events and he would like the Board members to choose events that they are able to attend.

Mr. Kovalchik stated that the Board requested the administration to hold a special meeting this evening. He stated that he wants to make the Board and public aware of the implications that could occur if the contracts for the Route 329 project are terminated. Mr. Kovalchik stated that he has had many conversations with Attorney Smith, the District's solicitor, as well as the District's engineer, D'Huy Engineering, who has prepared a brief presentation for this evening regarding the implications of termination. Mr. Kovalchik added that the Upper Perkiomen School District faced a very similar situation back in 2017. They had started construction and the Board was considering terminating the involved contracts. Some of that information will be shared this evening.

Mr. Arif Fazil reviewed the data from the Upper Perkiomen School District project that was awarded on September 25, 2017, and subsequently terminated on December 4, 2017, and then restarted on December 19, 2017, and the costs involved which totaled approximately \$6.7 million which were strictly contract costs. That amount did not include soft costs for design, permits, etc.

Mr. Fazil showed a drone photo of the current Route 329 site that was taken on December 15, 2023. It shows that a little less than 30 acres of the 90 acres in that area are actually being used. Mr. Fazil stated that they work very hard on the general conditions of the contracts, they total over 120 pages, and are focused on protecting the school district. They have been designed specifically for school districts in mind.

Mr. Fazil reviewed the financial impact to the District if the 329 Project is terminated which included costs through December 19, 2023, for design, planning and bidding phases in the amount of \$3,489,587.65; general contractor, mechanical contractor, electrical contractor, and plumbing contractor work completed in the total amount of \$1,025,472.61; retainage held to date in the amount of \$113,941.40; work to restore the site in the amount of \$584,126.37; work in progress and stored materials of the general contractor, mechanical contractor, electrical contractor, and plumbing contractor in the total amount of \$3,167,981.71; and estimated purchase

order cancellation in the amount of \$1,186,528.75. These costs total \$9,567,638.49. In addition, there could be potential claims by contractors, legal fees, etc.

Attorney Smith stated that it is difficult to know what the full exposure of the district will be if the contracts are terminated because it is impossible to know if a contractor will file a lawsuit or dispute an amount that they are owed for work completed, etc. She added that the \$9.5 million that Mr. Fazil reviewed in his presentation does not include any legal disputes or discussions that would occur regarding costs owed to the contractors. She added that in these types of situations, it is always good to have everything in a written agreement which would include legal fees with regard to drafting the agreements, etc. Dr. Baird asked if there are any statements in the current contracts that say that the District must have cause to end a contract. Attorney Smith said she doesn't recall any portion of the contract indicating that there must be cause to terminate. Mr. Fazil stated that there is a clause within the contracts titled Termination for Convenience that is included to protect the District.

Mr. Vaughn asked Mr. Neiman if the Board decides to cancel the contracts tonight, where the funds would come from to pay the \$9.5 million. Mr. Neiman stated that approximately \$3.5 million has already been paid which would leave approximately \$6 million that the District would owe. He stated that he spoke to the District's insurance carrier, and he believes the termination would fall under breach of contract, which insurance does not cover. Mr. Neiman added that there is approximately \$3 million in the Capital Reserve Fund, however, those funds are not available to pay for project termination or legal fees related thereto. In Mr. Neiman's opinion, the Capital Reserve Funds would not be an allowable source. He stated that he believes the same is true of the bond proceeds since they need to be directed toward a Capital Project and could not cover cancelled contracts or legal fees. Mr. Neiman added that he believes the funds would need to be used from the General Fund. Currently, the money in the General Fund is allocated for salaries, benefits, and other costs to run the District. He added that the District would be in a position where it would be overspending the budget which could bring concern to the auditors and the state. Mr. Neiman stated that the District could look at cutting programs and staff. Mr. Vaughn asked Mr. Neiman for his prediction regarding if the District is going to be in the black at the end of the 2023-2024 year. Mr. Neiman stated that the budget was passed with an approximate \$2 million deficit and that deficit has currently almost been eliminated and there may be a slight surplus, but not sufficient to pay the \$6 million that the District would incur if the contracts were cancelled.

Dr. Baird stated that the Board has already voted to not raise taxes by no more than 6.6%. He asked if the contracts are cancelled and the District would owe over \$6 million, would it throw the budget over 6.6%. Mr. Neiman stated it would depend on the timing and what fiscal year the cancellation would fall in, but added that the 6.6% would most likely not generate enough funds to cover the \$6 million. Dr. Baird stressed the fact that litigation costs could add tremendously to the \$6 million in costs and the District would have to start to raise taxes to collect funds just in case the legal fees are incurred and for all of the unknowns that go along with cancelling the project. Dr. Baird also voiced his concern that if contracts are cancelled, the District may have a difficult time in the future obtaining bids for projects.

Mrs. Soldridge asked Mr. Fazil when the original bids were put out. Mr. Fazil stated the bids were received on October 26, 2023, and he believes the bid documents were sent out in mid-September. He added it is usually a six (6) week time frame. He added that he could get the exact date to Mrs. Soldridge tomorrow. Mrs. Soldridge asked what the expected start date was on the bid documents as she saw that it was December 15, 2023. She asked if the anticipated date to start was December 15, 2023, why the start date moved up to November 30, 2023. Mr. Fazil stated that the pre-bid date was September 8, 2023. He added that the Notice to Proceed is the key date and that was November 28, 2023. In terms of work starting, there is no specific date to limit the contractors from starting work. As soon as the Notice to Proceed is given, it's an all systems go situation.

## PUBLIC COMMENT (Agenda Items Only)

Mr. Vaughn suggested that individuals be limited to three (3) minutes to speak instead of four (4) minutes so that more individuals will get a chance to speak and asked that a roll call be taken. The roll call was: M. Baird, nay; J. Becker, nay; K. Bretzik, nay; C. Frantz, aye; J. Harris, nay; R. Makary, aye; B. McCulloch, nay; K. Soldridge, nay; and D. Vaughn, aye. Motion failed 3-6.

Mr. Vaughn reminded everyone of the four (4) minute time limit to speak and the thirty (30) minute total time limit for public comment.

Mr. A.J. Maniscalco asked for clarification of his thinking that the District will incur a 21% loss if the contracts are cancelled at this point. He asked who owns the Route 329 property and if it is owned by the District, what would it have to be repurposed for if the contracts are cancelled. Mr. Maniscalco inquired about the work that was performed on the property by Jaindl in the amount of \$5 million and asked if the District would be responsible for any of those funds that were spent on retention ponds, etc.

Ms. Joan Begliomini congratulated the new Board members and encouraged all members of the Board to look at the facts and do what is best for the education and safety of the students. She referenced approximately 20 years ago when the District wanted to build a middle school on Route 329 and the Board stopped the construction which wasted time and cost the taxpayers \$60 million more than the original plan to build the school later. She also voiced her concerns regarding the overcrowding at the Borough schools, the lack of sprinklers, and the age of the current buildings. Ms. Begliomini stated that losing a minimum of \$10 million with nothing to show for it doesn't address the overcrowding and building issues.

Ms. Sara Makovsky, a Borough resident for over 20 years and Borough teacher for 10 years, spoke on behalf of the staff at Franklin Elementary School. She stated their biggest concern is that they are separated from Siegfried Elementary School which poses a difficult situation for the staff and students. Borough buses must stop at both school buildings, and it takes much longer for arrival and dismissal. If parents have students who are walkers in both schools, it is very difficult because the arrival and dismissal times are the same. In addition, it poses academic issues as well for those students that need extra support including math instructional support, reading specialists, counselors, related arts teachers, etc. This includes the principals having to travel between buildings if there is a situation that requires immediate attention at either building. She added that the size of Franklin cannot accommodate all of the families of students for special events held during school hours. Ms. Makovsky stated that while Franklin is safe, there are many improvements that must be made including the antiquated HVAC system, the handicapped accessibility since there is no elevator, indoor air quality especially in the basement level classrooms, security, etc.

Mr. Tim Harris inquired about the plumbing and labor costs and also the materials that were already purchased. He stated that those materials could be sold if not used for this project. Mr. Harris inquired about the cost to the taxpayers for the project and asked for clarification on how long it will take to pay off the project and the increase to taxpayers of \$25 per year.

Mr. Ted Fritz, a previous Board member, stated that 20 years ago, the Board stopped the building of a new middle school on Route 329 and it cost the District over \$50 million more when the building was finally built. He added that there is a lot of new growth in the District, and he doesn't want to wind up paying double for a new elementary school years down the road.

Mr. Cory Fenstermaker stated that he believes it is wrong for the taxpayers to pay for the project whether it goes forward or is cancelled. He stated that he has been fighting the building of a new school on the Route 329 property for over thirty (30) years. He added that the construction on the property moved very quickly after the

project was approved. Mr. Fenstermaker asked what is going to happen to the buildings that are going to be vacated once the new facilities are built.

Mr. Robert Mentzell stated that the two (2) Borough elementary schools are incapable of renovation or enlargement. Siegfried was built in 1914 and houses 712 students. Pull out classes are being held in hallways because there aren't enough classrooms, the cafeteria is too small, and the building is at 93% capacity. He added that the Franklin Building was built in 1907 and houses 112 students, the basement is unusable, and the core of the building has no steel in it, it is a wooden structure. Mr. Mentzell stated that there is some space at the other elementary schools, however, that doesn't address the issue of 1,800+ new homes being built in the district.

Mr. Bob Bysher asked if the District cannot afford to lose \$6 million of funds already spent on the project, how it will afford \$65 million on the new school. He added that he is a member of LV CARD and the organization has filed several Right to Know Requests regarding the land involved in the project which were denied by the District. They were advised by their attorney that they should file an appeal which they did and they finally received the information. He added that he is concerned with the lack of transparency of the District and the rush to get the project started. Mr. Bysher voiced his concern over the number of trucks that will be traveling on Weaversville Road and Route 329 once the warehouses are rented out.

Ms. Shannon O'Grady stated that she emailed all of the Board members and thanked those that responded. She stated that Board members have had years to come up with another solution for funding, sites, etc., and none of them have been able to accomplish it. She added that none of the new Board members that are opposed to the project have been able to explain how the funds that have already been spent will be recouped. She asked that the Board members that are in favor of cancelling the project explain their solution to the problem.

Mr. Ian Pearn stated that someone mentioned the buildings have been in disrepair for years and he feels that is the best reason to build a new school. The thirty (30) minute time limit for public comment expired at this time, however, the Board agreed to extend public comment by thirty (30) minutes. Mr. Pearn stated that if the project is terminated, the \$6 million it will be losing could have been spent on other projects but instead will be wasted with nothing to show for it. He expressed his concern for the students and stated that they should not have to learn in substandard conditions.

Mr. Randy Czankner stated that the old Middle School is a great example of why buildings need to be planned ahead of time. He added that he does not want to lose millions of dollars on this project by putting a stop to it and added that if the Board decides to terminate the contracts, they should be held accountable. Mr. Czankner stated that it is obviously that there are many houses being built in the area. He encouraged the Board to think of future generations and not push their own agendas.

Ms. Nina Malsch stated that at the time when the Middle School was proposed to be put on Route 329, there was no water and sewer in that area, homes would have had to be condemned and there were high tension wires across the entire property. She added that Jaindl has now paid for all of those improvements. Ms. Malsch stated that last month the Board had the opportunity to table the project and they chose not to. She added that according to the experts, the population of the district has dropped 400 students in the last ten (10) years and is projected to drop by 500 more students in the next ten (10) years. Ms. Malsch added that the District used \$5 million of Federal funds to pay teachers' salaries instead of fixing the air conditioning and heating system at George Wolf and Franklin.

Mrs. Britannia McCulloch asked how many of the communities that are being built are 55 and older communities.

Mrs. Maggie Kemp stated that she has been approached at many places by Moore Township residents stating their disapproval of the new building on Route 329 because of safety issues and the economy. She added that with the district being 100 square miles, she can't believe there isn't another place to build the school. Mrs. Kemp stated that once the warehouses are rented out, the tractor trailers will come and be an issue. As far as the overcrowding is concerned, Mrs. Kemp stated the district has less students than it did in 2007. She stated that with some manipulation, she is sure that the current students that attend Franklin would fit in at the other buildings with better accommodations. She added that Mr. Fazil, Mr. Kovalchik and the previous Board members ignored the concerns of the residents and should be held accountable.

Mrs. Shelly Alexander applauded the Board for moving ahead with the project. She added that there are many students with special needs and more room is needed for those students. Having children in a hallway is unacceptable. She stated that the children need to be put first.

Mrs. Ginny Skrapits stated her concern that there is still a sign in Moore Township that states, "Moore Township School will remain open", but that was never voted on by the School Board and it has been stated that the district cannot afford to keep five (5) schools open.

Student, Reece Makary, stated that he would have went to the new school on Route 329 if it had been built before he entered elementary school and it would have just made his great experience in the district an even better one.

Ms. Heather Davis inquired if Franklin and Siegfried will at some point be combined to resolve the issues at Franklin.

Mr. Eric Miller stated that he was not aware of all of the issues at Franklin Elementary. He added that he wished the recorded meetings were available on the district website to look back on. He also voiced his concerns regarding the money being spent on the Route 329 property when nothing has been approved and he asked what the plan moving forward is.

Ms. Fran Shehab encouraged the Board to think of the children. She added that the overcrowding issue at Siegfried and the conditions at Franklin have been brought up many times. She also encouraged people to visit Siegfried and Franklin and see how the kids are learning. Ms. Shehab stated that the new building will be a distance off of the road, it isn't on Route 329.

Mr. Barry Weber stated that whatever the outcome of the vote is tonight, it is his hope that everyone can come together and move forward. He added that he is concerned about taxes and requested that it be shown how the \$30 increase in taxes per year will pay for the project and asked for a guarantee that that is all it will cost.

Mr. Rich Kuehner stated that it seems like there is a lot of division in the community over the new school and a lot of mistakes have been made until this point. If no one is going to admit that fact, the district will fail. The mistakes must be identified, corrected, and then we need to move forward. The bottom line is what is best for the students. He added that he doesn't think it is fair to the new Board members because they do not have all of the information they need to make tonight's decision. Mr. Kuehner stated that everyone needs to come together and be strong as a community once a decision is made. He asked what the debt limit will be once the bonds are approved.

#### BOARD/ADMINISTRATOR COMMENT

Mr. Kovalchik beginning to answer questions posed stated that the District purchased the Route 329 property in the mid-1990s from the state for approximately \$200,000 as a deed restricted property. The property must be

used for educational purposes or for farming. If the project is terminated, the property would have to be restored so that the current farmer could farm it once again.

Mr. Fazil answering the question regarding whether the District would have to repay Jaindl for the cost of the installation of the retention ponds, etc., stated that the District would not have to repay that money. The approximate cost for the work completed was \$15 million, however, there is no recourse to the District. Mr. Fazil added that the plumbing and electrical expenses spent so far represent general conditions, bonds, insurance, processing of submittals, not for actual work done on site. Referring to the \$3 million in materials that were purchased, Mr. Fazil stated that he is not a material broker and he isn't sure how the reselling of those materials would work, but there would probably be some salvage value. If the materials could be returned, re-stocking fees would most likely be involved.

Mr. Vaughn answering the question about the amount taxes would go up stated that in 2024, a home with an assessed value of \$63,000 would go up \$42.21. In 2025, it would be \$28.98, in 2026 it would be \$28.98, and in 2027 it would be \$28.98. The average is \$31.82 and the total impact over the four (4) years is \$127.26.

Mr. Vaughn answering the question regarding what will happen to the old buildings stated that at a previous Board meeting, the Board asked administration to get appraisals for those buildings. Mr. Kovalchik added that the appraised value for Franklin, Washington, and the Administration Building was \$4.5 million.

With regard to the question regarding the 55 and older communities, Mr. Kovalchik stated that out of the approximate 1,800 homes, none of those homes are 55 and older communities. The 1,800 homes mentioned do not include the seminary property because that project is some time away, but he is assuming the bulk of those properties will be 55 and older.

Mr. Vaughn referring to the sign indicating that Moore Elementary School will remain open stated that it is his understanding that the sign has been removed.

With regard to combining Siegfried and Franklin Elementary Schools into the new 329 building, Mr. Kovalchik stated that there was a plan in place and at the last Board meeting, it was requested to have tonight's special Board meeting to possibly terminate the contracts. The Board has not made a formal decision on Moore Elementary School. A walk through for the Board members will be scheduled for January in order that the Board can decide what to do with that building. With regard to Siegfried and Franklin, the issue is we cannot move the students that attend Franklin into Siegfried because there isn't enough room. If the project goes through, a total redistricting will have to be considered for all of the elementary schools. Mr. Kovalchik added that the budget presentation will be given in January and he does not project a significant tax increase, nothing over 2% to 2½%.

Mr. Kovalchik spoke regarding the overcrowding. He stated that education has drastically changed over the years. For example, there are now Pre-K programs; special education populations have increased from 16% to 19% and there are Federal laws that the district has to follow for special education classrooms and specific resources that those students need regarding class sizes; special education includes occupational therapy and physical therapy; the EL population has increased; counseling services have increased; etc.

Mr. Neiman spoke with regard to the question on the District's debt limit. He stated that his recollection is that the District's financial advisors, PFM, stated that after the project would be completed, the District's would have approximately \$100 million remaining in its' capacity for additional funds to borrow.

Mr. McCulloch stated that the consequences of the November election were that a number of Board members were elected that support saving Moore Elementary School and he feels there is a majority of the Board that

wants to do that and the District also has the money to do it. Mr. McCulloch stated that individuals have stated that they have received nothing but positive feedback about the 329 Project, however, when he and Mr. Harris were running for the Board, they knocked on over 1,000 doors, they met with individuals and they consistently heard that taxes are too high and the district can't afford a new school. He stated that he will not vote in favor of the 329 Project or funding it until a legitimate and viable option to save Moore is presented and executed by the Board.

Mr. Harris stated that the current Board is in the position it is because of the old Board who proceeded to push the project through even though they knew the make up of the Board was changing. He added that the new Board just got access to the information they need in order to make decisions regarding other options available. He stated that the vote should have been tabled as was done at the votech school. Mr. Harris stated that he will vote to save Moore and stop unnecessary spending because that is what he was elected to do. The residence of Moore Township were promised that their school would remain a school, and the district does not have the funds to make the necessary renovations to Moore and build the 329 project. Decisions need to be made that accommodate the entire district. He also voiced his concern over enrollment in the District decreasing.

Mrs. Soldridge stated that she requested tonight's special session on December 4, 2023, and the presentation that was given tonight was the first time the information was seen by the Board. It could have been provided prior to tonight's meeting so that the Board could have reviewed it and considered options. She added that the old Board approved the school and now the new Board has to deal with the consequences. The new Board members were never given the opportunity to tour the district buildings before the new school was approved, but she would like to now tour them to explore what can be done to improve them. Mrs. Soldridge asked Attorney Smith if the Board could go into an Executive Session so that she could ask some questions that she is not sure she is permitted to ask in public. Attorney Smith stated that she could make that request. Mrs. Soldridge made a motion to have an Executive Session to discuss information that she found in reviewing the contracts, while under proctor supervision, that was not privy to the new School Board members prior to the December 4, 2023, Board meeting. Mr. Harris seconded the motion. Mr. Vaughn asked Mrs. Soldridge if she was asking for legal advice or to discuss information in the contracts. Mrs. Soldridge stated that she would like to discuss information in the contracts and she feels the Solicitor needs to answer one of the questions that she has. Attorney Smith stated that there are only certain matters than can be discussed in Executive Session. Any legal advice would be Executive Session material, however, any discussion about the contracts would not be and the public would have the right to hear that information. Mr. Vaughn and Attorney Smith asked Mrs. Soldridge to ask her question and if an Executive Session needs to be called, they would advise of that. Mrs. Soldridge asked why a proctor had to be with Mr. Harris, Mrs. Bretzik, and herself when they reviewed the project contracts. Attorney Smith stated that Board members have the right to see certain information and the public has the right to see other information. When information is released to the public under a Right to Know Request, there are certain redactions that need to be made to information that is confidential such as the bidders. Board members may review that information without it being redacted. A proctor was there to make sure that the information being reviewed was kept confidential. Mrs. Soldridge stated that in the geological report that was completed, it indicated that there are sink holes on the property along with depressions and she asked if the sinkholes have been remediated or will they be and also asked when the depressions will be taken care of to avoid further liability if something would happen to jeopardize the structural integrity of the building. She also stated that after the recent rain, there was a pond on the property. According to the information in the General Policy booklet, it states that there will have to be additional items addressed with additional costs to accommodate the remediation of the sink holes if something opens up that is larger than what was discovered when the land was surveyed. Mr. Fazil stated that the entire Lehigh Valley is under carbon geology. The disclaimer contained in the contract is contained in contracts all over the Lehigh Valley. With regard to the Route 329 site, the entire building is being placed on geopiers which will stabilize the entire building structure. Geopiers are rock piers that are drilled into the ground to stabilize the entire subsurface of the building, then foundations are placed on top of the geopiers to support the buildings. Mr. Fazil stated that in the parking lots

and other areas, cement limestone stabilization is being laid. Typically sink holes are discovered once the site is disturbed and when that occurs, remediation has to occur at that time and that would be an additional cost. Allowances are factored into the contracts to address those concerns. Mr. Fazil added that the sediment basin on the property it designed for the purpose of capturing storm water run off while under construction. That will later get converted into a basin. Mrs. Soldridge asked if the appropriate saldo pieces have been met, if the NPDS permits have been met, and if there is anything additionally that would be necessary and if those costs would be included in the soft costs or will they be separate. Mr. Fazil stated that the NPDS permit was issued months ago after review by the involved entities and there should be no issues with that. The restoration work that would need to be done if the contracts are terminated is a function of the NPDS permit. It is a requirement to follow the steps for the full implementation of the NPDS permit, therefore, if the work it stopped, the area would have to be restored.

Dr. Baird stated that he joined the Board 12 years ago and shortly after he joined, a long-range plan was started. Meetings were open to the public and the facility plans were presented. The middle school was the first building to be addressed to take care of the overcrowding in the elementary schools and to move 6<sup>th</sup> grade into the Middle School. He added that he believes there were eight (8) presentations regarding the Route 329 project which were all open to the public. Dr. Baird stated that there were at least 10 or 12 presentations and meetings for the new Middle School and Lehigh Elementary School that were also open to the public and the information was placed on the District website for the public to review. The 329 project was not just a one (1) year plan, it has been in the works for 11½ years. Different alternatives were looked at. The Route 329 project was one of the last projects to complete in the long range plan. Dr. Baird stated that he has to answer to his constituents in Northampton and East Allen and the Board is trying to do what is best for the students of the District.

#### ADOPTION OF AGENDA

On motion of Mr. Makary and Mr. Becker, the Board approved the adoption of the agenda. All members voted aye. Motion carried 9-0

Mrs. Soldridge asked if the Board members are allowed to discuss anything other than the termination of the contracts in regard to stop orders to reevaluate the information. Mr. Vaughn stated that the agenda stands as is.

On recommendation of the administration and on motion of Mr. Makary and Mr. Becker, the Board approved the following action items by roll call vote:

#### ACTION ITEMS:

- A. 23-527 – Approve the following revised policy: Board Policy 011 – Principles for Governance and Leadership and attachment to same.
- B. 23-502R – Terminate, effective December 19, 2023, the following Prime Construction contracts previously approved on November 13, 2023, associated with the 329 Building Project:
  - 1. The General Construction contract for Penn Builders, Inc. for \$43,864,800.00.
  - 2. The Mechanical Construction contract for Tri-County Mechanical, Inc. for \$9,522,000.00.
  - 3. The Electrical Construction contract for Boro Developers, Inc. for \$9,444,000.00.
  - 4. The Plumbing Construction contract for Vision Mechanical, Inc. for \$3,112,000.00.
  - 5. The Construction Testing Services contract for Kleinfelder, Inc. not to exceed the amount of \$196,450.

6. The Commissioning Verification Authority and Testing-Adjusting-Balancing Services contract for Butler Balancing, Co., Inc., Inc. not to exceed the amount of \$84,000.

Dr. Baird asked for an explanation as to what a yes vote would be. Mr. Vaughn stated that Items A. and B. will be voted on separately. Voting yes for Item A. would approve the revised Board Policy 011. Voting yes for Item B. would terminate the contracts.

The roll call for Item A. was: M. Baird, aye; J. Becker, aye; K. Bretzik, aye; C. Frantz, aye; J. Harris, aye; R. Makary, aye; B. McCulloch, aye; K. Soldridge, aye; and D. Vaughn, aye. Motion carried 9-0 on Item A.

The roll call for Item B. was: M. Baird, nay; J. Becker, nay; K. Bretzik, aye; C. Frantz, nay; J. Harris, aye; R. Makary, nay; B. McCulloch, aye; K. Soldridge, aye; and D. Vaughn, nay. Motion failed 4-5 on Item B.

Mr. Anthony Maniscalco thanked the Board for voting the way they did for the future of the students. He stated it will cost money to keep Moore Elementary School and that is what progress is, going forward, not going backwards.

Mr. Cory Fenstermaker asked Mr. Fazil to confirm that the groundbreaking for the Middle School occurred 13 years ago and added that he was on the Board that decided to build the Middle School. He stated that he agrees that a new school is needed, however, he does not feel that Route 329 is the place to build it. He added that the District still owns the land where Jaindl put the retention pond and it was stated that there would be water and sewer put on the land which is ironic. Mr. Fenstermaker suggested that perhaps we should have asked Jaindl for land to put a new school on.

Ms. Cindy Miller stated that she understands the Board has had a Capital Plan for many years, but asked where it's financial plan is to support that Capital Plan. She added that all Board members should have access to what they need to make proper decisions.

Mr. Ted Fritz stated that School Board members are elected by regions, however, once elected, the Board represents the entire district. He suggested that the Board come together and move forward.

BOARD/ADMINISTRATORS COMMENTS:

Mr. McCulloch stated that he finds it concerning that individuals say that he doesn't care about the children in Siegfried or Franklin because he has two nieces and two nephews that attend Siegfried and he cares about them and wants them to have the best education. His concern is about the economy and people not being able to afford their bills.

Ms. Nina Malsch thanked Mrs. Soldridge and Mrs. Bretzik for standing up for the people that voted for them. She stated others have not followed through with what they promised in the election and through the Act 34 hearing. With regard to BAVTS, she stated that she understands that Saucon Valley does not want to be part of the building project and she encouraged Mrs. Soldridge to follow through as a representative of the district to find out what is happening with the building project. Ms. Malsch added that \$3.5 million of the \$9 or \$10 million that would have had to be paid had the project been stopped would have went to the architect, Mr. Fazil, from a contract that was made in early 2022, before a plan was put in front of East Allen Township Supervisors.

Mrs. Soldridge referring to the situation at Franklin Elementary School asked what steps the Board will be taking to address the problem and when a decision will be made regarding Moore Elementary School. Mr. Vaughn stated that those items can be placed on the agenda for discussion at the next Board meeting. Mrs.

Soldridge addressing the Franklin teachers, asked them to send emails to the Board members regarding their concerns as to what is most important to be fixed immediately and to provide ideas and suggestions on how to address their concerns. Mr. Vaughn asked Mr. Jenny to also send his comments to the Board regarding Franklin Elementary School.

Mr. Harris echoed Mrs. Soldridge's comments to all of the teachers stating that they are the ones dealing with the students every day. He added that he voted the way he did this evening regarding the Route 329 Project to honor the taxpayers that voted him into office. He added that because there is no current plan for Moore, he cannot support the project.

Mr. Jenny stated that the facilities improvements list is on the district website and everything is listed for all of the buildings. Mrs. Soldridge asked if items were listed in order of importance. Mr. Jenny stated that they are on a scale of 1 through 9 with 9 being items that should be done right away.

Mr. Harris wished everyone a Merry Christmas and Happy New Year.

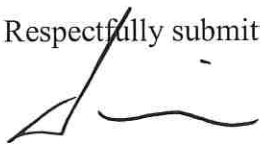
Mrs. Bretzik stated that her thought for the last several years has been that a vote for Route 329 is a vote to close Moore. She added that she feels she has been the subject of an intimidation campaign. She stated she did vote for the single bond at the last meeting because the workers needed to be paid, but her position continues to be that a vote for Route 329 is a vote to close Moore as there is no plan to keep it open. Mrs. Bretzik stated that she feels that what was shared with the public was very deceptive, especially the sign that was placed in front of the school.

Mr. Vaughn stated that he voted in favor of the project because he feels it was fiscally responsible to not burden the taxpayers with over \$9.5 million to cancel the project. He added that for the past two (2) years he has voted against the project, but does not feel it is fiscally responsible to throw away \$9.5 million at this time. He wished everyone a Merry Christmas and thanked everyone for attending the meeting.

#### ADJOURNMENT

On motion of Dr. Baird and Mr. Harris, the meeting was adjourned at 9:30 p.m. All members voted aye. Motion carried.

Respectfully submitted,



Craig Neiman  
Board Secretary