

**MINUTES OF THE SPECIAL MEETING
OF
FOX RIVER GROVE SCHOOL DISTRICT 3
BOARD OF EDUCATION
TUESDAY, MAY 26, 2009 – 7:00 P.M.
FOX RIVER GROVE MIDDLE SCHOOL LIBRARY**

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CALL TO ORDER AND ROLL CALL

Board President Pat Hughes called the meeting to order at 7:00 p.m. Members present were Tom Mollet, Lisa Anderson, Pat Hughes, Gerry Blohm, Susan McGarrigle and Kris Germain. Also present were Superintendent Tim Mahaffy and Principal Karen Machroli. Absent was Board member Steve Knar and Principal Eric Runck.

WELCOME GUESTS/PUBLIC COMMENT

Board President Pat Hughes welcomed ARS teachers Paulette Nichols and Beth Diller to the meeting. Kindergarten teacher, Susan Dilsaver, also joined the meeting.

Kindergarten teacher Beth Diller signed in to address the Board. She indicated that she was representing the kindergarten, 3rd and 4th grade classes. She stated that she understands that the Building and Site Committee along with Administration has come up with a plan regarding replacement of flooring at ARS. They essentially feel they must voice their opinion and concern over the vinyl tile versus the replacement of carpeting in their classrooms and the weighing of pros and cons. Mrs. Diller stated that grades 1 and 2 use tile more effectively because they can teach essentially by ability grouping. Kindergarten, 3rd and 4th do this within their own classrooms by breaking into small groups and students are moved to various areas in the classrooms and by having carpeting this makes it much easier than tile – tile is hard and cold, the noise level increases and students slide around more. In Kindergarten, movement is part of the curriculum for increased brain activity. Students are also all across the room twice a week when they do reading buddies. Mrs. Diller felt tile was more dangerous than carpeting. Mrs. Diller also felt that the cleaning over the summer has been working but does not know the cost differential. An area rug would suffice for some portions of the curriculum but not for all. Mrs. Diller stated that they minimize their spills. Mrs. Diller further stated that even the 3rd and 4th graders cannot sit in desks all day. Mrs. Diller appreciated the Board listening to her comments.

Board member Gerry Blohm stated that a considerable amount of time was spent reviewing the flooring options. The Building and Site Committee did recognize that certain teachers preferred the carpeting, but the current carpet is in a state of disrepair and looking at the big picture, the District has the opportunity to fix the floors now and may not have the same opportunity down the road and the committee wanted to fix as much as possible – flooring, doors, windows – and

this would be the one time we could do it. After much review, the tile scenario was the way to go. Carpeting was generally more expensive than the tile depending on which tile – no wax, semi-wax, etc. The Committee wanted all the flooring replaced at this time and this seemed the best way to go.

Dr. Mahaffy stated that a 15' x 15' bond, commercial grade, area rug for 15-18 classrooms would cost about \$4,000. Dr. Mahaffy felt that it is individual preference as to teaching style regarding carpeting versus tile. Mrs. Diller stated that this was not the issue.....that their curriculum calls for this and it would be difficult to house all the students on this area rug. She had many safety concerns. Dr. Mahaffy stated he was not suggesting carpet squares but an area rug.

Ms. Machroli also stated that upon reviewing the various flooring options, it was felt that tiling was cleaner because of staining and has less allergens. Also it was mentioned that because ARS is located in a low lying area the water seepage could cause more allergens. Ms. Machroli stated that she has taught both on tile and carpeting.

Mrs. Nichols stated that as a parent of a child who suffered with allergies she preferred tile. She did not know if there was mold in the carpet or the detergents used to clean the carpet or dust in the carpet, but this did not happen in a tiled classroom. Ms. Nichols definitely stated that it is very cold in the winter time, but still would choose tile over carpet.

Mr. Hughes thanked both Mrs. Diller and Mrs. Nichols for their input. He stated that he would rely on the recommendation of the administration to go with the tile to be consistent and that an area rug would be provided. Mr. Hughes stated that the Board is always here and available to hear any concerns.

Mr. Hughes asked if there were any other comments and there were none.

AWARD OF GUARANTEED ENERGY SAVINGS CONTRACT

Dr. Mahaffy reviewed the CTS contract which has been with the District Architect and Attorneys this past week (09-05-07). Several changes, mostly formality changes, were already revised by our attorneys. In Section 3 of the Resolution needing approval this evening, it states “The Board hereby approves, pending final review and approval by legal counsel and architectural certification” – and this is still being finalized. The contract is scheduled to be signed on June 1, 2009. Dr. Mahaffy will be the designated representative who will be acquainted with the work. Any contract changes would still need to be approved by the Board. Any permits would be pulled by CTS but paid for by the District. CTS will review the District’s 10-year and 3-year update on any asbestos in the district. The only known asbestos is in the 1964 tile and abatement, removal and disposal is the responsibility of CTS. Any unforeseen asbestos that may be found will be the responsibility of the District. Dr. Mahaffy stated that additional summer help for removal of furniture and supplies from classrooms was approved at the May 18th Board meeting under the Summer Maintenance Plan in the amount of \$6,400. Dr. Mahaffy stated that at an upcoming project meeting with CTS, meeting their project manager and scheduling will be a major topic. Dr. Mahaffy stated that removal of any window treatments and reinstallation is the responsibility of the District. Dr. Mahaffy reviewed other changes/additions to the contract including: CTS shall entirely be responsible for all site safety during the project. Under

Warranties and Completion, all restrictions were removed. Language pertaining to “prompt” notification of defects and “work stoppage” was also removed. The District will not be responsible for any hazards that it is not aware of. All subcontractors will need customer approval as well as any liability is up to CTS and the subcontractor – not the District. Under price and payment, CTS cannot change the price at any time. Also, the District is allowed to keep a 10% retainage from each payment. Due to the bond sale scheduled for June 24th and monies not being available to the District until July 15th, the 10% mobilization fee will be due within 45 days of contract execution which will be July 15th. The June 30th bill will also need to be paid at this time. Our attorney also stated that CTS would need to acquire more insurance and liability on their own. Dr. Mahaffy stated that the District will provide property insurance for what the District is responsible for. The District will also be added to all of CTS’s insurance as an additional insured. All workers’ compensation will be through CTS and all CTS employees and subcontractors must comply with sexual harassment policies, prevailing wage act, etc. School Code 19b language will also be added to the contract. Also, our attorneys have added the following language regarding liquidated damages: if CTS fails to complete this project on or before August 10th, 2009 CTS agrees that the customer may assess CTS \$500 for each calendar day the project is not complete. Dr. Mahaffy stated that he is not sure that this has been accepted by CTS at this time. Due to the raising of the roof, any interior trimming to a skylight or anything else not in the scope of the project, will be the responsibility of the District. Hinges on all the doors will be Roton Hinges, Von Duprin 99 as requested by Facilities Director, Rick Miller. The District has not seen a payment schedule at this time but the District will get billed the last day of the month every month. Materials must be installed before billing – not just delivered to the site. Dr. Mahaffy stated that there will be about \$100,000 left in the debt service extension base for emergencies. If the District does not need to access these funds, it will be fewer years to repay the bond. Dr. Mahaffy also discussed the guaranteed savings with the District’s architect, Terry Ernst. Mr. Ernst stated that the formulas CTS are using are both tried and true formulas for both operational and energy savings. There will be some savings each year in energy costs but more will be saved in operational costs and the costs of the increased costs over time if renovations are not done now with inflationary prices. Mr. Ernst felt it was a fair agreement and will be sending the District a letter with complete comments. He will be in contact with CTS’s engineer to answer some questions he had. Dr. Mahaffy stated that the District would be waxing the new floors but did receive a \$4,000 credit for the waxing.

Mr. Hughes asked if there was any further discussion and there was none.

Mr. Hughes read the following Resolution (09-05-08):

**RESOLUTION TO ENTER INTO
GUARANTEED ENERGY SAVINGS CONTRACT**

WHEREAS, the Board of Education of Fox River Grove School District No. 3, McHenry County, Illinois ("District 3" or the "Board"), has authority to enter into a guaranteed energy savings contract with a qualified provider experienced in the design, implementation or installation of energy conservation measures, in accordance with the provisions of Article 19b of *The School Code*; and

WHEREAS, CTS, being such a qualified provider, has analyzed the feasibility of and has recommended implementing certain energy conservation measures and improvements in facilities of District 3 at a total cost of \$1,077,906; and

WHEREAS, CTS has proposed to enter into a guaranteed energy savings contract with District 3 to implement such energy conservation measures; and

WHEREAS, it would serve the best interests of District 3 to enter into such agreement with CTS;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of Fox River Grove School District No. 3, McHenry County, Illinois as follows:

Section 1. The above preamble recitals are incorporated in and made a part of this resolution.

Section 2. The Board hereby finds that the amount it would spend on the energy conservation measures recommended in the proposal of CTS would not exceed the amount to be saved in energy costs and energy-related operational costs within a 10-year period from the date of installation, if the recommendations in said proposal are followed.

Section 3. The Board hereby approves, pending final review and approval by legal counsel and architectural certification, entering into that guaranteed energy savings contract with CTS which provides for the purchase and installation of certain retrofits, repairs, and building management systems, in identified District 3 facilities. A draft copy of said guaranteed energy savings contract is attached as Exhibit A to this resolution and made a part hereof.

Section 4. The Board hereby authorizes the Superintendent to execute said guaranteed energy savings contract on the Board's behalf upon final review and approval by legal counsel and architectural certification. The Superintendent is further authorized to execute all such related documents as may be needed or expedient to accomplish the purpose of this resolution.

Section 5: This resolution shall be in full force and effect immediately upon its passage.

Adopted this 26th day of May, 2009 by the following vote

A motion to approve the Energy Savings Contract to Control Technology and Solutions Pending District Selected Financing Solution Authority was made by Lisa Anderson and seconded by Kris Germain. A roll call vote was taken. Voting aye: Lisa Anderson, Pat Hughes, Gerry Blohm, Susan McGarrigle, Kris Germain and Tom Mollet. Voting nay: none. Absent: Steve Knar. Motion approved.

Dr. Mahaffy stated that he will be going through a Standard & Poors credit rate hearing for our District. Tammie Beckwith Schallmo of PMA will help with this and does not foresee a problem.

CTS could be starting their work as early as Saturday, June 13, 2009.

EXECUTIVE SESSION

A motion to adjourn to executive session at 7:51 p.m. to consider information regarding the appointment, employment, compensation, discipline, performance or dismissal of specific employees of the District was made by Susan McGarrigle and seconded by Tom Mollet. A roll call vote was taken. Voting aye – Pat Hughes, Gerry Blohm, Susan McGarrigle, Kris Germain, Tom Mollet, and Lisa Anderson. Voting nay – none. Motion approved.

There will be action.

ACTION FOLLOWING EXECUTIVE SESSION

A motion to return from executive session to open session at 8:08 p.m. was made by Kris Germain and seconded by Tom Mollet. A roll call vote was taken. Voting aye – Gerry Blohm, Susan McGarrigle, Kris Germain, Tom Mollet, Lisa Anderson, and Pat Hughes. Voting nay – none. Motion approved.

A motion to employ Lauren Brancato as the Early Childhood Education teacher for the 2009-2010 school year was made by Gerry Blohm and seconded by Lisa Anderson. A roll call vote was taken. Voting aye – Susan McGarrigle, Kris Germain, Tom Mollet, Lisa Anderson, Pat Hughes and Gerry Blohm. Voting nay – none. Motion approved.

Board President Pat Hughes asked if there were any other items and there were none.

ADJOURNMENT

A motion to adjourn the meeting at 8:09 p.m. was made by Tom Mollet and seconded by Pat Hughes. A voice vote was taken. Voting aye – All ayes. Voting nay – None. Motion approved.

Patrick B. Hughes
President
BOARD OF EDUCATION

Lois M. Bowman
Secretary
BOARD OF EDUCATION