WHEREAS, the Board of Education of the Washington-Saratoga-Warren-Hamilton-Essex BOCES ("Board") is proposing to undertake an emergency project consisting of the repair and replacement of Main Campus Switchgear to include related asbestos abatement, electrical work, general contractor work, and any necessary related work at the Southern Adirondack Education Center in Hudson Falls, New York ("the Project") and;

WHEREAS, the Board wishes to fully comply with its obligations under the State Environmental Quality Review Act ("SEQRA") and the regulations thereunder with respect to the proposed action; and

WHEREAS, the Board has carefully considered the nature and scope of the proposed action; and

WHEREAS, upon review of the foregoing, the Board makes the following determinations:

1. The proposed action involves the repair or replacement of the switchgear, including, but not limited to asbestos abatement, electrical work, general contracting and related work, at the Southern Adirondack Education Center in Hudson Falls, New York.

2. The proposed project represents an emergency action within the meaning of 6 NYCRR 617.5(c)(33), the maintenance, repair or replacement of the switchgear involving no substantial changes in an existing structure or facility within the meaning of 6 NYCRR § 617.5(c)(1), and/or the replacement, rehabilitation or reconstruction of a structure or facility within the meaning of 6 NYCRR § 617.5(c)(2).

3. The proposed action will in no case have a significant adverse impact based on the environment based on the criteria contained in 6 NYCRR § 617.7(c), and is not otherwise a Type I action as defined by 6 NYCRR § 617.4.

4. The proposed action is a Type II action within the meaning of 6 NYCRR 617.5 and is therefore not subject to review under SEQRA and the regulations thereunder.

NOW THEREFORE BE IT RESOLVED that the Board finds and concludes that the proposed action is a Type II action within the meaning of 6 NYCRR 617.5 and therefore is not subject to review under SEQRA and the regulations thereunder.
WHEREAS, an issue with the main shutoff (switchgear) for the electrical system at the BOCES Southern Adirondack Center (SAEC) has unexpectedly occurred whereas the main shutoff has failed and the BOCES must correct this issue immediately to ensure the safety of students, staff and the community in the building and to preserve the proper functioning of the BOCES' facilities;

WHEREAS, as a result of this unforeseen event, immediate remediation, repair and replacement of the switchgear and work related thereto, including asbestos abatement, electrical work, and general contractor work, is required to preserve the property of the BOCES and to assure the health and safety of students, staff and the community in the building;

WHEREAS, this issue will worsen and will interfere with the BOCES' operations unless remediated, repaired and replaced immediately; and

NOW THEREFORE, BE IT RESOLVED BY THIS BOARD OF EDUCATION AS FOLLOWS:

Section 1. The Board of Education determines that the current condition of the switchgear affects the BOCES' property and the health and safety of students, staff and the community using the BOCES' facilities, and that the remediation, repair and/or replacement of the switchgear and work related thereto, including asbestos abatement, electrical work, and general contractor work, requires emergency, immediate action to preserve the School District's property and to assure the health and safety of students, staff and the community.

Section 2. The Board of Education hereby further determines that the immediate remediation, repair and/or replacement of the switchgear and work related thereto, including asbestos abatement, electrical work, and general contractor work, is a non-recurring, ordinary contingent expense that is necessary to preserve the BOCES' property and to assure the health and safety of students, staff and the community.

Section 3. The BOCES is hereby authorized to undertake the immediate remediation, repair and/or replacement of the switchgear and work related thereto, including asbestos abatement, electrical work, and general contractor work, and to expend from the General Fund an amount not to exceed $400,000 for such purpose.

Section 4. The District Superintendent is hereby authorized to file any necessary and proper paperwork with the State Education Department to proceed with the emergency repairs, remediation and replacement and to work with the BOCES’ architect, legal counsel, and other resources to immediately accomplish this action.

Section 5. Due to the emergency situation, a contract for the remediation, repair and replacement of the switchgear and work related thereto, including asbestos abatement, electrical work, and general contractor work, must be awarded immediately. Therefore, the BOCES is authorized to forego using competitive bidding for the repair and remediation.

Section 6. This Resolution shall take effect immediately upon its adoption.