

**Rochester Joint Schools Construction Board**  
**Monthly Meeting Minutes**  
**March 11, 2024**  
**4:00 PM**

**Present – Called to Order by the Board Chair at 4:01 PM**

The meeting was attended by Board Chair Thomas Richards (virtual), Vice Chair Shawn Farr, Treasurer Kim Jones, Richard Perrin, Jesse Dudley, Jacob Scott (4:02), Ron Gaither, General Counsel Ed Hourihan (virtual), General Counsel Greg McDonald (virtual), General Counsel Melissa Mahler, ICO Brian Sanvidge, State Monitor Jaime Alicea and State Finance Monitor Mark Potter.

**Approval of Minutes**

Monthly Meeting held on February 12, 2024

Motion by Board Member: Richard Perrin

Second by Board Member: Ron Gaither

Approved: 7-0

**Action Items**

**Resolution 2023-24:26**

**Pay Requisition Summary Acceptance (February 2024)**

**Moved by Board Member: Jesse Dudley**

**Second by Board Member: Ron Gaither**

**Adopted: 7-0**

**Resolution 2023-24:27**

**Phase 3 SEQRA Negative Declaration**

**Moved by Board Member: Rich Perrin**

**Second by Board Member: Ron Gaither**

**Adopted: 7-0**

**Resolution 2023-24:28**

**Approval of Phase 3 Bond Underwriter**

**Moved by Board Member: Jesse Dudley**

**Second by Board Member: Ron Gaither**

**Adopted: 7-0**

**FUND BALANCE REPORT:**

Chairman Richards asked consultant Kimberly Mitchell to review the details of the Fund Balance report with the Board. The payments from the previous month were deducted from the RCSD loan in the cash capital account. This left a balance \$748,762 in the loan fund and approximately \$5,239,924 in Bond funds, which does not reflect any interest earned in the account. The current pay requisition is comprised of four vendor payments from the RCSD Loan Fund totaling \$210,800.50. The remaining account balances are \$330,648 in the RJSCB Fund, \$4,503,855 in the Phase II Bond Fund, \$405,421 in the Settlement Funds and \$537,961 in the RCSD Loan Fund.

## **Meeting Notes**

- The meeting began with a discussion of the State Environmental Quality Review (SEQRA) process, led by General Counsel Ed Hourihan and Kathy Bennett from Bond, Schoenick and King. Ms. Bennett explained that this is a very important step as the State Education Department (SED) expects a resolution to be presented to them prior to any sign off or approval. The various action types (Type I, Type II, Unlisted) were explained and their associated review requirements. After assessing the Phase 3 environmental assessment forms provided by Watts Engineering and the description of each of the projects, it was determined that all fell under the Type II category, which does not require further environmental review. Member Rich Perrin asked if the Program had ever had a proposed action contested and it was stated that while the assessments were not contested in Phases 1 or 2, the SEQRA had been amended in Phase 2 due to the acquisition of properties. Member Ron Gaither asked if there was an audit process for the Type II assessment and it was stated that SED tends to be satisfied with the characterization and it's very, very rare for them to come back with questions.
- Chairman Richards reminded the Board that Citicorp, the Bond Underwriter that had worked with the Board in prior phases, had gone out of business. This necessitated that an RFP be issued for a new bond underwriter. Ten responses were received and narrowed down to three firms that were interviewed. The selection committee consisted of Kim Jones, Sean Farr, and Chairman Richards. The Committee was also assisted in that process by Rick Gancy, the financial advisor for the RJSCB, who will work closely with the underwriter and Program Director, Pépin Accilien. Wells Fargo was recommended based on their competitive pricing, local experience with the Syracuse project, and the quality of their team.
- The proposed overall Phase 3 schedule was reviewed by the Program Management team, highlighting key milestones and SED submission/review periods. It was pointed out with the Douglass project that it is sharing swing space with Wilson so, even if the design and contract awards were accelerated, the kids can't be moved out to do the substantial amount of the renovation until Wilson is complete in order to give the students a place to go. Pépin Accilien pointed out that there are 36 reviews required by SED so, for the Program not to face delays, everything must go perfectly. Concerns were raised about SED's ability to meet the expedited review timeline to avoid multi-year delays. Mr. Accilien stated they are hoping to begin a dialogue with SED after the Strategic Plan has been submitted to address those concerns. Chairman Richards stated that the reason so much work is being done in advance is so that everyone can work on a common schedule. Mr. Accilien then presented a monthly financial summary report that shows the initial budget allocation for each of the six projects and incidental planning expenditures spread across each of the projects based on the RCSD loans. Until a ban is issued by the City of Rochester on behalf of the District and until long term debt is issued by the RJSCB, through the general application serial bonds, these amounts are listed as placeholders until funds are encumbered and until contracts are issued. Mr. Accilien made the Board aware that the only way to achieve 95% aidability individually is to consider a double Maximum Cost Allowance (MCA) for all six projects. Mr. Accilien also shared that, for the debt to align with the receipt of State aid, the Program will most likely need two Bond Anticipation Notes (BANs) to reduce capitalized interest. An update on the Master Plan development was also provided by Mr. Accilien, noting that initial draft volumes had been shared with school district leadership for review. Various program assumptions and guiding principles, such as double MCA and schedule criticality included in the draft, need to be confirmed. Member Rich Perrin asked if the draft was available to the RJSCB members and Chairman Richards explained that it has been sent to the District for review and will be sent to the RJSCB after it has been approved. Member Rich Perrin also asked if there was anything that precluded consultants for environmental, energy, commissioning, and other services from filling more than one role and Mr. Accilien stated that there was not, however, the RFPs are typically sent out individually based on the schedule.
- Prior to adjournment, it was shared that the April RJSCB meeting will be moved from April 8<sup>th</sup> to April 9<sup>th</sup>.

## **ADJOURNMENT:**

4:53 pm.

