

Rochester Joint Schools Construction Board
Monthly Meeting Minutes
May 13, 2024
4:00 PM

Present – Called to Order by the Board Chair at 4:03 PM

The meeting was attended by Board Chair Thomas Richards, Vice Chair Shawn Farr, Treasurer Kim Jones (virtual), Richard Perrin (4:24), Jesse Dudley, Jacob Scott, General Counsel Ed Hourihan, General Counsel Melissa Mahler, ICO Brian Sanvidge, State Monitor Jaime Alicea (virtual), Board of Education President Cynthia Elliott (virtual) and Superintendent Carmine Peluso (virtual). Member Ron Gaither was absent.

Approval of Minutes

Monthly Meeting held on April 9, 2024

Motion by Board Member: Kim Jones

Second by Board Member: Jesse Dudley

Approved: 5-0

Action Items

Resolution 2023-24:32

Pay Requisition Summary Acceptance (April 2024)

Moved by Board Member: Shawn Farr

Second by Board Member: Jacob Scott

Adopted: 5-0

Resolution 2023-24:33

Resolution to Approve Comprehensive School Facilities Modernization Plan

Moved by Board Member: Jesse Dudley

Second by Board Member: Kim Jones

Adopted: 6-0

FUND BALANCE REPORT:

The Fund Balance Report has been temporarily omitted for reconciliation with the Rochester City School District.

Meeting Notes

- Chairman Richards introduced the Phase 3 Strategic Plan agenda item for approval. The plan, which consists of four volumes, was distributed to the Board members in both draft and final form for their review. The Plan has already been approved by the Board of Education and the Superintendent. Program Director Pepin Accilien provided an overview of the plan's development process, highlighting key aspects such as facility testing, identification of swing spaces, SED submission requirements, and the master schedule. Vice Chair Shawn Farr shared updates from the District's meeting with SED, noting their understanding of the schedule requirements. Rick Ganci from Capital Markets Advisors and Kojo Asiedu from Wells Fargo presented the Financial Plan or Volume 2, which included three borrowing tranches and capitalized interest being funded by the District which allows those funds to be used for construction within the buildings. Jeff Wild from Anchin reviewed Volume 3, the Diversity Plan, which set utilization goals for MWBEs and workforce diversity. The ICO has recommended goals of 18% for MBE, 12% for WBE, 2% for DBE and 2% for SBE, which will be certified by the ICO as it was in Phase 2. Roland Coleman from the Program

Management team summarized Volume 4, which contained supporting details such as building conditions, building aid unit calculations and cost estimates. Chairman Richards emphasized the importance of the compliance officer's role in enforcing the diversity plan goals and stated that they will be responsible throughout the project to make sure that the work that is done meets the goals. The ICO will be involved in the selection process itself and will report to the Board on a monthly basis. Following approval of the Phase 3 Strategic Plan, the District will formally submit all volumes to SED and Chairman Richards will make the official submission of Volume 2 to the NYS Comptroller.

- Board of Education President Cynthia Elliott made a request for Chairman Richards to present to the Board of Education at their June meeting, to which he agreed to do.
- Chairman Richards brought attention to a disclosure received from Capital Markets Advisors regarding a potential conflict of interest based on a court interpretation. However, no immediate action was deemed necessary, as the current arrangement, which allows for payment only upon bond issuance, is essential to avoid upfront costs for the project. The RSMP is a unique project in that there are no funds available until bonds are issued which makes it circular in respect to this project. Chairman Richards stated that the situation would be examined further.
- Tim Seeler from Seeler Engineering presented the findings of a Project Labor Agreement (PLA) feasibility study. The study estimated a potential 3.9% direct labor cost savings through the implementation of a PLA, based on concessions and conditions that have routinely been negotiated in the past. However, Mr. Seeler noted that changing market conditions, such as an aging union workforce and a recent strike of over 100 days, seen for the first time in decades, add uncertainty to the projections. The study also suggested that PLAs could help in meeting workforce diversity goals through cooperation with organized labor, although the impact on MWBE participation was mixed and would require relationship building. Chairman Richards highlighted the importance of schedule certainty given the logistics of swing spaces. The Chairman also emphasized the potential for PLAs to make a contribution by providing a career pipeline if people can get into the union, get apprenticeships and have the capacity to build a career. No action was required by the Board at this time but further discussions with unions are expected to take place once an initial project is identified.
- Program Director Pepin Accilien presented the program manager's report, which included an update on the program budget and master schedule. The project is now at 0.55% completion. Mr. Accilien noted that the construction budget had been broken down by trade, as DWT budgets were no longer allowed to be aggregated. The incidental budgets had also been revised to remove capitalized interest. An update on the insurance consultant RFP was provided, with a recommendation expected in June. A total of five proposals were received in response to the A/E RFP; three for Wilson Magnet high school and two for Martin Luther King, Jr. School 9 elementary school, with one firm submitting for both schools. The A/E selection committee had been formed, and interview dates were being finalized. Lastly, it was mentioned that the annual report to the NYS legislature was in progress.

ADJOURNMENT:

4:55 pm.