

Rochester Joint Schools Construction Board
Monthly Meeting Minutes
September 9, 2024
4:00 PM

Present – Called to Order by the Board Chair at 4:02 PM

The meeting was attended by Board Chair Thomas Richards, Vice Chair Jacob Scott, Treasurer Kim Jones (virtual), Richard Perrin, Jesse Dudley, Shawn Farr (virtual), General Counsel Ed Hourihan, General Counsel Greg McDonald (virtual), State Monitor Jaime Alicea (virtual), State Finance Monitor Mark Potter (virtual), Board of Education President Cynthia Elliott (virtual) and RCSD Superintendent Demario Strickland. Member Ron Gaither and ICO Brian Sanvidge were absent.

Approval of Minutes

Monthly Meeting held on August 12, 2024

Motion by Board Member: Richard Perrin

Second by Board Member: Jesse Dudley

Approved 6-0

Action Items

Resolution 2024-25:14

Pay Requisition Summary Acceptance (September 2024)

Moved by: Kim Jones

Second By: Jesse Dudley

Adopted 6-0

Resolution 2024-25:15

Phase 3B Architect Selection Franklin Educational Campus

Moved by: Jesse Dudley

Second by: Jacob Scott

Adopted 6-0

Resolution 2024-25:16

Phase 3A - CM Services Request for Proposal

Moved by: Richard Perrin

Second by: Jacob Scott

Adopted 6-0

Resolution 2024-25:17

Pay Requisition Approval Procedures - Revised August 2024

Moved by: Kim Jones

Second by: Richard Perrin

Adopted 6-0

FUND BALANCE REPORT:

Chairman Richards asked the consultant Kimberly Mitchell to review the details of the new Fund Balance Report for September. There were no new disbursements from the District into the account. The beginning cash capital account balance as of September is \$291,776.92 and the total expenditures to date are \$3,946,757.20. After the expenses for this

month are subtracted, the remaining cash capital account balance is -\$32,228.12 and the total expenditures to date are \$4,270,762.24. The RJSCB budget for September is over budget by \$175,005.04, with a total delta to date of \$446,524.13. The amounts will be revised once the budget has been revised and approved. Chairman Richards emphasized the importance of monitoring the budget closely to ensure that the project stays on track and avoids problems.

Meeting Notes

- During the discussion of the approval of the meeting minutes, Board of Education President Cynthia Elliott inquired about the note in the minutes regarding the work at the Edison Tech Campus. Program Director Pepin Accilien explained that the District's Facilities Department had originally contracted with a firm that quoted a price and, due to the Department's authorization limitations, additional funds were required to complete the project. The RJSCB approved the extra funding needed to complete the project, as it is essential for the safety and functionality of the building. President Cynthia Elliott also received clarification that the project is part of the Phase III Facility Master Plan (FMP).
- Chairman Richards asked Program Director Pépin Accilien to introduce the proposal to approve the architect for Franklin High School. Mr. Accilien explained that, after reviewing eight proposals, four firms were shortlisted and interviewed. With proper consideration, the selection was based on the architect's best value, quality, price, and ability to meet the schedule. LaBella was chosen to work for the Franklin project along with several sub-consultants including M/E Engineering, who has a lot of experience with HVAC work at Franklin and that could be the most difficult part of the project. The HVAC scope of work is a key priority on the Franklin project.
- Mr. Accilien was asked to provide some background on Construction Management (CM) services for the Board in consideration of the approval of the release of the Request for Proposal (RFP) for CM services for the Phase 3A projects. The CM is expected to be a single point of contact for the projects that require oversight in the field. The intent is to make sure that contracts entered into with contractors, prime contractors and vendors meet the requirements of the program. The Program Management (PM) team expects to receive at least four or five proposals for this RFP. Member Rich Perrin recommended minor changes to some wording in the RFP but thought the document looked good.
- General Counsel Ed Hourihan discussed the revised pay requisition approval procedures. This procedure codifies the process the RJSCB uses in conjunction with the Rochester City School District (RCSD) to settle its debts for things like rent, insurance, accountants, and lawyers. Chairman Richards emphasized the importance of maintaining clear records for financial transparency and accountability. Member Rich Perrin requested language be added to the process to specify that the PM review with the Board will be in a standardized format for change orders and contract amendments to ensure consistency and efficiency.
- Program Director Pépin Accilien began the Program Manager report by reviewing the cost summary report and explaining that the current budget allocations will be redistributed based on the letter from New York State Education Department (NYSED) regarding its position on gut rehabs. The problem the Program is facing based on that letter is that School 9 cannot reach the 95 percent statutory aid-ability with the current scope unless there's a reduction of about \$8 million worth of renovation scope removed from the project. The State Comptroller also sent correspondence requesting that the Financial Plan be revised to address NYSED's comments disallowing School 9 and Franklin as gut rehabs. The revised plan will require review and approval by the RJSCB and the RCSD before being submitted to the Office of the State Comptroller. President Elliott asked what is preventing the State from aiding School 9 and Franklin at the 95% rate. Chairman Richards explained that when a project is classified as a gut rehab, more criteria is met and more work can be done. However, if the project is not classified as a gut rehab, certain things are excluded and that means that some of the things planned to be put into that project and still stay within the 95% are no longer being accepted by NYSED. There is some flexibility there because there's a local share that pays for some of those things that are allowed but, in this case, it's significant. There's approximately \$8 million dollars between what was planned for School 9 as a gut rehab and what can be done there now. In regard to the Specialty Consultants item, Member Rich Perrin asked if these would be shared services and Mr. Accilien confirmed they would be. For the Project Labor Agreement (PLA), Chairman Richards and Mr. Accilien will be

meeting with Seeler Engineering to review the PLA study and set up a date to start initial discussions with the Rochester Building Trades and Construction Council. The PM team is working with Vice Chair Jacob Scott informing the Building Advisory Committees (BACs) for the first three projects that are or will be in design soon.

- At the end of the PM Report, Treasurer Kim Jones asked if the revised plans for the schools that have work removed would need to go back to the School Board for approval. Chairman Richards explained that \$8 million dollars' worth of work is significant and, therefore, would need to go back before the Board. Chairman Richards went on to explain that there is the possibility of refunding bonds that were issued in Phases I and II. The RJSCB and Program Management team is providing a certain amount of technical assistance but, since there is no longer an impact to the Program on those bonds, it's ultimately a decision for the school district. Member Shawn Farr clarified that although the finances impact the school district, the final legislation would actually go to City Council for approval since they issue the bonds.

ADJOURNMENT:

4:57 pm.