

Rochester Joint Schools Construction Board
Monthly Meeting Minutes
MAY 12, 2025
4:00 PM

Present - Called to Order by the Board Chair at 4:00 pm

The Meeting was attended by Board Chair Thomas Richards, Vice Chair Jacob Scott (4:05), Treasurer Kim Jones, Jesse Dudley, Shawn Farr, Kabutey Ocansey, Ronald Gaither (4:14), State Monitor Jaime Alicea, State Fiscal Monitor Mark Potter, ICO Brian Sanvidge, General Counsel Ed Hourihan, and Interim Superintendent Demario Strickland.

Approval of Minutes

Monthly Meeting held on April 14, 2025

Motion by Board Member: Shawn Farr

Second by Board Member: Kabutey Ocansey

Approved 5-0

Action Item

Resolution 2024-25:53

Pay Requisition Summary Acceptance (May 2025)

Moved by: Jesse Dudley

Second By: Shawn Farr

Adopted 5-0

Resolution 2024-25:54

Second Fund Transfer from East to Edison

Moved by: Kim Jones

Second By: Jesse Dudley

Adopted 6-0

Resolution 2024-25:55

Approval to Release Architect RFP for East High

Moved by: Jesse Dudley

Second By: Kim Jones

Adopted 7-0

Resolution 2024-25:56

Approval to Release Construction Manager RFP for East High

Moved by: Kim Jones

Second By: Ronald Gaither

Adopted 7-0

Resolution 2024-25:57

Approval to Release Architect RFP for Douglass

Moved by: Kim Jones

Second By: Jesse Dudley

Adopted 7-0

Resolution 2024-25:58

Approval to Release Construction Manager RFP for Douglass

Moved by: Jesse Dudley

Second By: Kim Jones

Adopted 7-0

FUND BALANCE REPORT:

Consultant Kimberly Mitchell's updated fund balance report for FY 2024-25 showed that most RJSCB vendors are currently under budget, though Landsman's unexpected expenses will be removed in a future report. The RSMP account currently holds \$2,425,739.88, down from a \$3 million deposit on March 27th, and will dip to \$1,063,384.24 after current payments. The District advance of \$14,635,000 from the start of the program, of which \$10,414,350 has been utilized, leaves \$4,220,650 to bridge the funding gap until additional financing is obtained. RJSCB held funds from the Attorney General settlement remain at \$330,648, and RJSCB Only Expenses for insurance and audit are static at \$17,986. RSMP administrative expenses total \$5,456,187 (13% of the budget). RSMP construction costs, currently only soft costs, are \$4,940,177 against a total budget of \$439,342,158.

MEETING NOTES:

- Program Director Pépin Accilien presented findings from a comprehensive structural evaluation of Edison Tech conducted by specialty structural engineer SGH, which the Board commissioned in December. While the report confirmed no immediate danger to the building, it identified critical needs for structural remediation and waterproofing, particularly in the loading dock and garage areas where post-tension tendons in the waffle slabs require repair. The report recommended a two-tiered strategy. Tier 1 work would include post-tension tendon repairs, additional steel reinforcement and an acoustic monitoring system, all of which were considered necessary for Phase 3 of the FMP, raising Edison Tech's budget from \$102.7 million to \$114 million. Funding for the necessary structural work would be secured through a second budget transfer from East High School, which saw its allocation reduced from \$26.5 million to \$10 million. The budget reallocation to Edison Tech required careful prioritization of East High's remaining needs. Working collaboratively with the District's facilities department, the scope reductions were made in consultation with the District and were ultimately the District's decision, as they must live with the outcomes. The team identified essential infrastructure work that must proceed, including roof replacements identified in the Building Condition Survey (BCS), replacement of problematic condensate pump receivers in the crawlspace (to be relocated to prevent future system impacts), drainage improvements, additional sump pumps, mechanical work in crawl spaces, and replacement of the non-functional freight elevator with obsolete parts. Additional desired improvements, including non-BCS roof work and LED lighting conversions in crawl spaces, will be designated as add alternates. The planning for these add alternates has been completed so that if additional funds become available through other sources, the District can choose to add scope back into the East project. Chairman Richards emphasized that while East has already received substantial modernization investments, these remaining items represent the bare minimum needed for building operation and functionality.

- In response to the State Education Department's (SED) new requirements for aggregate aidability assessment, the Board approved four resolutions to expedite procurement of architectural and construction management services for East High School and Douglass Campus. Originally scheduled for October RFP release, these procurements were accelerated to ensure timely completion of preliminary design submissions required by SED before any individual project can advance. This acceleration is critical to maintaining project momentum and avoiding costly delays.
- Chairman Richards and Kim Jones presented the Bond Anticipation Note (BAN) proposal to the City Council Finance Committee. Chairman Richards was commended for his excellent presentation describing the work planned at various schools. Council members showed particular interest in specific schools, with several having personal connections as alumni. The positive reception suggests strong support for the BAN approval at the full City Council meeting scheduled for May 20th.
- The Independent Compliance Officer (ICO) report indicated that as of April 25th, 99.55% of all required project documents were received, with the final missing document expected to bring this to 100% in the next report. As of March, a total of 25,661 hours had been worked on the project overall, with 3,107 hours performed in March alone. This March breakdown included 197 minority hours, 69 non-minority women hours, and 1,310 non-minority male hours. Overall project statistics demonstrate strong performance against diversity goals, with minority participation (both male and female) at 45.71% against a 23% goal, non-minority women at 10% against a 7% goal, and total women participation (minority and non-minority) reaching 24.55% against a 7% goal. Minority male participation stood at 31.17% compared to a 23% goal. In terms of business participation, total contracts awarded to date reached \$66,038,000. Of this, MBEs accounted for 30.66% (\$20,338,000) against an 18% goal, WBEs were at 4.39% (\$2,912,000) against a 12% goal, SBEs achieved 4% (\$2,654,000) against a 2% goal, and DBEs were at 0.66% (\$439,000) against a 2% goal. It was noted that the lower WBE percentage will improve with contracts on the Savin side yet to be awarded, and DBE participation, a historically challenging area, is expected to improve once the ICO secures a vendor for their contract. Brian Sanvidge indicated they are in talks with an identified vendor. Additionally, 12 City of Rochester residents actively worked on the project during March, representing 14.81% of the total 81 individual workers.
- Program Director Pépin Accilien mentioned that no "hard costs" have been expended to date, as these will commence only with construction. As of the previous month, 8.3% of the total incidental budget, amounting to \$10,444,350, had been spent, with the overall Phase 3 program currently 2.19% complete. It was clarified that the budget summary would be updated to reflect the Board's decision to reallocate funds, showing East's budget reduced to \$10 million from \$26.5 million, and Edison's budget increasing to approximately \$114 million in the next monthly report.
- Program Director Pépin Accilien included an update on the SED submission process, with the Financial Plan still awaiting approval from the State Controller, pending reactions to additional questions from the Office of the State Comptroller (OSC) regarding payment methods for capitalized interest (CAPI) and local share. A meeting with the State Education Department (SED) Facilities Planning Bureau was attended by RJSCB Chair and Vice Chair, Program Manager Pépin Accilien, representatives from Savin Engineers, and District finance personnel. While productive, the meeting revealed significant changes to project requirements that will substantially impact timelines and costs. Key changes include: (1) Extension of SED's review period from two weeks to six weeks (two weeks to acknowledge receipt, four weeks to review), (2) Prohibition on advancing design stages without prior stage approval from SED, creating

sequential dependencies, (3) Shift from individual project aidability assessment to aggregate program-wide assessment for the 95% aidability threshold, requiring preliminary submissions for all six projects before approving any individual project, and (4) Reinterpretation of the June 30, 2031 legislative deadline as a reporting requirement rather than project completion date, according to SED's legal counsel. These changes directly prompted the Board's decision to accelerate procurement of architectural and construction management services for East and Douglass through the approved RFPs. The extended review periods and sequential approval requirements create risk of design team delays and potential claims for work stoppages, adding unforeseen costs to the program.

Significant discrepancies emerged between District enrollment projections and SED's aidability calculations. Board member Shawn Farr raised detailed questions about SED's decision to exclude four classrooms from aidability calculations at MLK Jr. School #9, which reduced the assessed aidability from the expected 95% to only 82%. Mr. Accilien explained that SED may have mistakenly used enrollment projections for students living in the neighborhood rather than actual school enrollment projections provided by the District's demographer. This problem will be magnified at the high school level, where the District's strategic goal of limiting enrollment to 1,000-1,400 students per building conflicts with building capacities and SED's calculations. Board members expressed concern about the District's overall building capacity versus enrollment, with Mr. Farr specifically noting examples like Thurgood Marshall (built as a high school but operating as an under-enrolled middle school) and questioning how SED will react to significant underutilization of renovated facilities when the District has approximately 6,000 high school students but much greater building capacity. The District is preparing documentation to address these discrepancies and is seeking expedited meetings with SED to resolve critical aidability gaps that could jeopardize project approvals.

Project Manager Terry LoConte presented detailed schedule analyses showing how SED's new requirements will impact each project. Most critically, Douglass's construction start will be delayed by a full year (from summer 2028 to summer 2029) due to dependencies on Wilson's completion and shared swing space requirements. This pushes overall program completion beyond 2032, well past the original 2031 target. Chairman Richards emphasized that these delays carry significant cost implications through extended design team engagement, potential claims from architects for work stoppages, and general escalation. The timing of potential legislative relief for additional funding becomes critical, as it could affect whether to continue with current designs or expand scope.

- In other updates, the draft Project Labor Agreement (PLA) will proceed to review with the Rochester Building and Construction Trades Council following board approval. Short-term financing through a Bond Anticipation Note (BAN) is critical as the \$14.6 million district loan nears exhaustion, with the BAN expected to close around May 20th following anticipated City Council approval. Updates on the refunding opportunity bill and potential legislative extensions for funding and timeline relief are still pending, with awareness that similar extensions have been granted to other districts like Syracuse facing comparable challenges with escalation and delays.

ADJOURNMENT:

5:07PM