

Rochester Joint Schools Construction Board

Monthly Meeting Minutes August 8, 2022

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 Michael Schmidt (virtual – 4:49), Treasurer Kim Jones (virtual), Richard Perrin (virtual), Vernon Connors (virtual), Ron Gaither (virtual), Jesse Dudley, Savin Vice President Pépin Accilien, General Counsel Greg McDonald, General Counsel Melissa Mahler, ICO Brian Sanvidge (virtual), Deputy Superintendent Carmine Peluso.

Approval of Minutes

Monthly Meetings held on July 11, 2022

Motion by Board Member: Kim Jones

Second by Board Member: Richard Perrin

Approved: 7-0

Action Items

Resolution 2022-23:09

Pay Requisition Summaries Acceptance (July 2022)

Moved by Board Member: Kim Jones

Second by Board Member: Jesse Dudley

Adopted: 7-0

MEETING NOTES:

Phase 2 Budget Report

Christopher Clarke reviewed the report with the Committee. All pending change order items brought to the Committee were included and tracking well. Expenditures (hard and soft costs) for the first group of projects in Phase 2a total **\$166,267,229.76**. Expenditures (hard and soft costs) for the second group of projects in Phase 2b total **\$140,462,554.86**. Expenditures (hard and soft costs) for the third group of projects in Phase 2c total **\$114,092,144.24**. Expenditures (soft costs) for the fourth and final project for Phase 2d total of **\$24,586,046.60**. Total amounts paid to date for all Phase 2 projects total **\$445,407,975.46** of the \$435,000,000 borrowing limit and the approximately \$16,388,719 of supplemental and residual funds for additional projects requested by the RJSCB on behalf of the RCSD and the City (i.e., SSBA, CSG, NYSERDA Rebate, RG&E Rebate).

Meeting Notes

- At the conclusion of the Open Contracts Report, Chairman Richards explained that Savin would have a balance remaining on their contract that expires on July 31, 2022 and that Savin would use that balance to continue to pay a portion of RJSCB expenses through November that have historically been paid by Savin.
- Member Ron Gaither asked how long the Open Contracts would remain open. Chairman Richards explained that, at this point in the program, the open contracts are specific functions and that the contract would be closed based on when those functions are complete. He further explained that the largest outstanding amount is due to a substantial dispute with Cannon Design and, while we have the money, the contract will remain open until the dispute is resolved.
- Savin Vice President Pepin Accilien stated that the two remaining Final Cost Reports are East, that will remain open until the Cannon dispute has been resolved, and DWT-2B, which must remain open until all Phase 2 contracts are fully paid

down to zero. He also reported that the Local Share model for the \$435 million borrowing limit projects an estimated local share of \$17,585,123 against the \$18,710,000 authorized limit approved by the State Comptroller. Chairman Richards explained that the Local Share is the amount that the District is responsible for and has budgeted to pay as the debt service so it is important that the project come in at or below that number.

- Chairman Richards stated that the most problematic open item is the Cannon E&O dispute, because it’s contested, and he requested General Counsel Greg McDonald to provide an update to the Board. General Counsel McDonald stated that the first step in resolving the dispute, according to Cannon’s contract, is a meeting among the principals. BSK has been working to schedule that meeting and, in the interim, the Board has withheld a contract balance of over \$326,000. The E&O principal amounts are over \$500,000-600,000.
- Brian Sanvidge stated that an additional 1,000 hours in documentation were received during the month of July and those hours will not materially change the final numbers. They are waiting on additional documentation to tie the numbers back to the \$444 million number but, as a practical matter, the additional documentation will not materially move the numbers from this report.
- The most significant issue that is occurring with respect to Phase II and needs to be completed in order to proceed with Phase III is the comprehensive plan preparation. The District has advanced funds in order to pay for it, the RJSCB has retained Watts Engineering to work on it and the plan is underway. We’ve come up with a better system of getting information from the District into the plan. The first step is to decide what it is that the District’s programs require of the schools. That ideal scope can be taken and compared against what exists and, from that, a work plan will be created. Those decisions on the ideal circumstances are for the District to make. The resultant plan will first need to be approved by the Board of Education. Member Connors stated that the Board of Education had tentatively approved a grade configuration of PK-6, 7-8 and 9-12 and Chairman Richards confirmed that the plan is being developed based on that configuration.
- The RJSCB is finalizing the agreements with Richard Stoffel and Kimberly Mitchell as continuing staff for the Board and they will be responsible for completing open tasks and managing anything new that arises. The Board will also have to start thinking about, sooner rather than later, is there’s a series of staffing issues that need to be resolved in order to move the project forward. One of them is a Project Manager, because much of the work that is going to be done in the second part of the planning process should be done by them because they bring to it the construction expertise. The second one is the series of financial advisors because the financial plan itself is quite detailed and the only way that gets done is by having a consultant to help the Board do it. If this process isn’t started until the plan is complete, the project will be six months behind, in addition to the construction season that has already been missed. September/October is not too soon to start thinking about that if the Board wants to be in a position to act as soon as the plan is approved.

Report: Amendments Authorized by Chair

Chairman Thomas Richards stated that the amount authorized by the Chair for the month of August was for 1 Amendment totaling **(\$104,469.00)** included in the Board Packet, and outlined below:

Amendments Authorized by Chair for August 2022 Meeting					
Project	Firm	Amendment No.	Description	Amount	Signature
RJSCB	SJB Services	1	Deduct Amendment	(\$104,469.00)	Thomas Richards
TOTAL		1		(\$104,469.00)	

Report: Purchase Orders Authorized by Chair

Chairman Thomas Richards stated that the amount authorized by the Chair for the month of August was for 1 Purchase Order totaling **\$25,395.32** included in the Board Packet, and outlined below:

Purchase Orders Authorized by Chair for August 2022 Mtg.					
Project	Contractor	PRODUCT/SERVICE	PO #	Amount	Signature
Cooper 10	SEI Design	Deduct from the base contract to SEI for School 10 Design Services.	DESIGN-SCH10-01	\$ 25,395.32	Thomas Richards
		Total	1	\$ 25,395.32	

There was no Executive Session held this meeting.

Adjourned at: 4:51 pm

Moved by:

Seconded:

Approved: