

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS MEETING
WEDNESDAY, AUGUST 1, 2018**

A meeting of the Board of Directors of the New Jersey Schools Development Authority (SDA or the Authority) was held on Wednesday, August 1, 2018 at 9:00 A.M. at the offices of the Authority at 32 East Front Street, Trenton, New Jersey.

Participating were:

Robert Nixon, Acting Chairman

Donna Sullivan (EDA)

Kevin Luckie (DCA)

Bernard Piaia (DOE)

Michael Kanef (Treasury)

Richard Elbert

Loren Lemelle

Michael Maloney

Mario Vargas

being a quorum of the Board. Mr. Elbert, Ms. Lemelle and Mr. Piaia participated in the meeting by teleconference.

At the Chairman's request, Charles McKenna, chief executive officer; Albert Alvarez, chief of staff; Andrew Yosha, executive vice president; Jane F. Kelly, vice president and assistant secretary; Donald Guarriello, vice president and chief financial officer; Manuel Da Silva, vice president; and Albert Barnes, chief counsel of the SDA, participated in the meeting. Adam Sternbach of the Governor's Authorities Unit also participated in the meeting.

The meeting was called to order by Mr. Nixon, who requested that Ms. Kelly read the requisite notice of the meeting. Ms. Kelly announced that the meeting notice had been sent to the

Trenton Times and *Star-Ledger* at least 48 hours prior to the meeting, and had been duly posted on the Secretary of State's bulletin board at 33 West State Street in Trenton, New Jersey. Ms. Kelly then conducted a roll call and indicated that a quorum of the Members was present.

Approval of Meeting Minutes

The Chairman then presented for consideration and approval the Minutes of the June 6, 2018 Open and Executive Session meetings. Staff had provided a copy of both sets of minutes and a resolution to the Members for review in advance of the meeting. Upon motion duly made by Mr. Maloney and seconded by Mr. Luckie, the Members unanimously approved the Open and Executive Session meeting minutes of the June 6, 2018 SDA Board meeting.

Authority Matters

CEO Report

Mr. Nixon asked Mr. McKenna for the Report of the Chief Executive Officer. Mr. McKenna opened his report with an update on the Trenton Central HS (TCHS) project. He said that interior rough-in HVAC, fire suppression, electric, plumbing and framing are all ongoing, along with site work and parking lot curb installation.

Mr. McKenna reported that for the Camden HS project, demolition of the 1916 building is complete and site leveling work is ongoing. He said that staff received proposals for design-build services last month and the recommendation for a contract award is on today's agenda. For the East Orange George Washington Carver ES project, he advised that the contractor completed footings and foundations last month and under slab utility work is ongoing. He added that steel is in fabrication and erection is projected for later this month.

Mr. McKenna reported that for the Elizabeth New ES project, Torcon, the design-builder, continues to address closeout activities. He said that the Garfield James Madison ES No. 10 will

open in September. He added that furniture installation and IT integration is ongoing. He noted that district move-in began the previous month. He reported that staff had applied for a temporary certificate of occupancy (TCO) the previous week.

Mr. McKenna informed the Members that for the Harrison New ES project, design phase services are complete and the design-builder has submitted the final design package for the remainder of the structure to the Department of Community Affairs (DCA) for review. He said that Brockwell & Carrington continues with the installation of footings, foundations and grade beams.

Mr. McKenna reported that for the Irvington Madison Avenue ES project, roofing installation work is ongoing, as is masonry work and exterior brick veneer work. For the Keansburg Port Monmouth Road ES project, he said that LAN Associates continues with design-phase services. He said that for the addition and renovation project at the Millville HS, Hall Construction, the design-builder, continues with design phase services. He added that demolition, renovation and temporary cafeteria installation work is ongoing.

Mr. McKenna advised that for the New Brunswick Paul Robeson ES project, furniture installation is complete and IT integration work is ongoing. He noted that district move-in commenced last month. He added that a certificate of occupancy (CO) was issued on July 27.

Mr. McKenna said that for the Newark South Street ES project, furniture installation is complete and IT integration is ongoing. He added that staff received a TCO on July 30. He noted that district move-in commenced the previous month.

Turning to the projects in the Orange School District, Mr. McKenna informed the Members that staff anticipates advertising for construction services in September for both the Cleveland ES and Orange HS projects.

Mr. McKenna then gave an update on projects in the Passaic School District. He said that for the Leonard Place ES project, the building is weather tight. He noted that interior finish, exterior building and site work is ongoing. For the Dayton Avenue Educational Campus project, he reported that Terminal Construction, the design-builder, continues with design phase services. He added that the design-builder is preparing for soil placement and bridge work.

Mr. McKenna advised the Members that for the Paterson Union Avenue MS project (former site of Don Bosco Academy), early site package work was completed the previous month. He said that the proposals are due this month in response to SDA's advertisement for design-build services. For the Pemberton Denbo Crichton ES project, he reported that Ernest Bock & Sons, Inc. (EBS), the design-builder, continues with design phase services. He said that footings, foundations, under slab utilities and structural steel work is all ongoing.

Mr. McKenna reported that for the Perth Amboy Seaman Avenue ES project, footings, foundation, exterior building metal framing installation, site utility and curb installation work is ongoing there, as is concrete masonry unit interior partition, ductwork and hollow-metal frame installation work. He added that electrical rough-in and stair installation also is ongoing.

Mr. McKenna informed the Members that for the Plainfield Woodland ES project, early site package bids were received and a recommendation for contract award is on today's agenda. He advised that the SDA-engaged contractor has initiated delivery of temporary classroom units that will serve as temporary space during advancement of the new Woodland ES project. For the Vineland New MS project, he said that furniture installation and IT integration work is complete and that district move-in started last month. He added that staff applied for the building TCO on July 29.

Mr. McKenna then briefly discussed the emergent projects at the Paterson International HS and the Newark Science Park HS and the efforts expended by staff in connection therewith.

Turning next to ongoing procurement activity, Mr. McKenna said that, later in the meeting, management will be presenting a design-build services award for the Camden HS project, a demolition and site preparation services award for the Plainfield Woodland ES project, and a construction services award for the Plainfield HS project. He said that other activity currently underway includes procurements for design-build services for the Paterson Union Avenue MS project; and the furniture, fixtures and equipment term contract.

Reporting on events, outreach and other SDA activities, Mr. McKenna reported that staff recently issued the SDA's Biannual Report. He said that he hopes that the Members all have had a chance to review the Report.

Mr. McKenna informed the Members that staff is working on scheduling ribbon cutting events for the new Lincoln Avenue MS in Vineland, the South Street ES in Newark, the James Madison ES in Garfield and the Robeson School in New Brunswick.

Mr. McKenna said that today marks the last time that he will be addressing the SDA Board. He then recapped many of the Authority's accomplishments during his tenure at the SDA. He said that this is a great organization with great people. He said that he knows that his successor will do a great job and he has total confidence that she will lead this organization as well as he has or better. He then thanked the Members for their dedication and great work.

Chairman's Report

Election of SDA Chief Executive Officer

Mr. Nixon then provided the Chairman's Report. Referencing his memorandum that was provided to the Members in advance of the meeting, he said that before the Board is the

nomination of Lizette Delgado-Polanco to serve as the Authority's next CEO. He introduced Ms. Delgado-Polanco to the Board and staff and provided a brief description of her experience and credentials.

Following discussion, upon a motion by Mr. Maloney and seconded by Mr. Luckie, the Board approved the nomination of Lizette Delgado-Polanco to serve as the Authority's Chief Executive Officer with the Members' unanimous vote in favor of *Resolution 4b*.

School Review Committee

Design-Build Award and Approval of Final Project Charter - Camden School District – Camden High School; Demolition and Site Preparation Award – Plainfield School District – New Woodland Elementary School; Release of Funds from Program Reserve, Award of Contract, and Approval of the Final Project Charter – Plainfield School District – Plainfield High School – Emergent Project – Stairway Structural Repairs

Mr. Nixon asked Mr. Luckie to provide the report of the School Review Committee. Mr. Luckie reported that the School Review Committee met on July 16, 2018. He said that the first item for Board consideration is a design-build award and final project charter for the Camden HS project. He advised the Board that the new Camden HS project involves construction of an approximately 277,026 square foot building to educate approximately 1,200 students in grades 9 through 12 on the site of the prior Camden HS facility. He added that the new facility will consist of four (4) small learning communities, a main gymnasium, an auxiliary gymnasium, and an auditorium. He informed the Members that, in August 2015, the Board approved a recommendation of award to Design Ideas Group Architecture (DIG) for pre-design services to evaluate the existing Camden HS. Mr. Luckie said that, after completion of DIG's assessment, SDA Executive Leadership recommended replacement of the Camden HS with a new, modern, educationally appropriate facility. He advised the Members that, in October 2016, the Board approved a preliminary project charter, thereby authorizing 1) demolition of the existing Camden

HS facility utilizing an early site package; 2) construction of a new facility utilizing kit of parts design and a design-build delivery method; and 3) related site development work. He explained that abatement and demolition of the prior facility started in September 2017 and is scheduled for completion in September 2018. Mr. Luckie advised that SDA advertised a package for design-build services on March 23, 2018 with “price” weighted as 60% of the overall weight and “all non-price factors” having a combined weight of 40%. He said that, following the competitive procurement process, management is recommending award of a contract for design-build services in the amount of \$99,585,000 to EBS for the Project. He added that EBS has confirmed that its price proposal is inclusive of all scope elements contained in the contract documents. Mr. Luckie noted that management also is recommending that the Board approve the final charter for the Project which represents all expended and projected funds necessary for completion of the Project.

A resolution pertaining to this matter was provided to the Board for review in advance of the meeting. Upon motion duly made by Mr. Vargas and seconded by Mr. Nixon, the design-build award and final charter for the Camden HS project were approved with the Board’s unanimous vote in favor of ***Resolution 5a***.

Next, Mr. Luckie said that the Committee is recommending approval of a demolition and site preparation contractor award for the Plainfield New Woodland ES project (the Project). He reminded the Members that, at the April 2018 Board Meeting, the Board approved a revised preliminary project charter for a new two-story school facility on the Plainfield Public School District-owned Woodland ES site. He said that the Project scope includes the demolition of the existing Woodland ES and the construction of a new approximately 121,000 square foot facility to educate 756 students in grades Kindergarten to five. He explained that the new school will

serve as a replacement facility for both the existing Woodland ES and the Cook ES. Mr. Luckie advised the Members that the preliminary project charter revision incorporated several adjustments in order to address flood plain concerns identified in July 2017 related to a portion of the existing site. He said that the adjustments included the resequencing of Project activities such that construction of the new school would follow demolition of the existing Woodland ES, thereby allowing the new school to be constructed outside of the flood plain. He also said that the revised charter reflected the provision of temporary space at the existing Cook ES to allow the district to vacate the Woodland ES at the end of the 2017-2018 school year. Mr. Luckie reported that demolition and site preparation activities will begin after the existing Woodland ES facility has been vacated and SDA will provide eight (8) leased temporary classroom units to provide necessary temporary space beginning with the 2018-2019 school year. He advised that, following cancelation of a previous bid process, a solicitation for demolition and site improvement services was re-advertised beginning on May 23, 2018. He added that, upon completion of the competitive procurement process, management recommends award of the contract in the amount of \$1,644,444 to Two Brothers Contracting, Inc. (Two Brothers). He said that, at the time of review, Two Brothers confirmed that its price proposal is inclusive of all scope elements contained in the contract documents.

A resolution pertaining to this matter was provided to the Board in advance of the meeting. Upon motion duly made by Mr. Vargas and seconded by Mr. Nixon, the demolition and site preparation contractor award for the Plainfield New Woodland HS project was approved with the Board's unanimous vote in favor of ***Resolution 5b***.

In continuing, Mr. Luckie said that the Committee also is advancing for Board approval a release of funds from the program reserve, contract award and final charter for the Plainfield HS

(PHS) project. He said that the PHS, built in 1916 with several additions, is an approximately 365,000 square foot facility in the Plainfield Public School District educating approximately 1,600 students in grades 9 through 12. He reported that, in July 2008, the Board approved the 2008 SDA New Funding Allocation and Capital Plan which allocated \$97 million to fund emergent projects in the 31 SDA Districts. Mr. Luckie said that in March 2011, the Board approved the 2011 Capital Program which allocated \$100 million to fund emergent projects creating a total reserve of \$197 million to address emergent projects. He informed the Members that, in July 2016, the Department of Education (DOE) and SDA launched a third statewide effort to identify and evaluate potential emergent projects throughout the SDA Districts, resulting in the identification of an emergent project at Plainfield HS involving structural repairs or replacement stairs located in the 1916 portion of the building. Mr. Luckie reported that, in December 2016, the SDA and DOE performed a joint site visit and, thereafter, DOE issued preconstruction approval in June 2017 for the advancement of the Project. He said that SDA determined to advance the project by way of a rotational assignment to Catcord Construction Company, Inc. (Catcord) through the SDA's GC task order contract. He noted that Catcord has confirmed its interest in the project which will be awarded on a time and materials basis for the initial phases. Mr. Luckie informed the Members that, upon completion of design, the SDA will review and validate the final projected cost and schedule for the scope of work and determine whether to advance the construction work on a time and material basis, or to establish a fixed cost for the scope of work defined in the construction documents. He said that, following review by the contracts management division and program operations staff, management recommends that the Board authorize procurement staff to proceed with the issuance of a task order to Catcord in the not-to-exceed amount of \$897,774. He advised that management also recommends that

the Board approve the Project's final charter and the release of \$1,202,774 from the emergent program reserve which has funding available to advance the Project. Mr. Luckie noted that the Project's background and scope of work, along with details relevant to the procurement process followed and final project charter, are set forth in the Board memorandum.

A resolution pertaining to this matter was provided to the Board in advance of the meeting. Upon motion duly made by Mr. Maloney and seconded by Mr. Vargas, a release of funds from the program reserve, contract award and final charter for the Plainfield HS project were approved with the Board's unanimous vote in favor of ***Resolution 5c***.

Public Comments

The Chairman asked Mr. Frank Faras to address the Board. Mr. Faras advised the Board that he resides across the street from the Trenton Central High School project site. He said that when the SDA was proposing construction of the new TCHS, Mr. McKenna had promised installation of an Olympic sized swimming pool for the school. Mr. McKenna responded that he had never promised an Olympic sized swimming pool.

Mr. Faras reiterated his contention that Mr. McKenna had promised the Olympic sized pool when speaking in front of the Trenton School Board at a meeting where he (Mr. Faras) was present. He said that what was promised is not what was delivered—an indication of the Authority's track record during the whole process. Mr. McKenna said that he and Mr. Faras would have to agree to disagree. The Chairman advised that, other than Mr. Faras, the Authority has received no complaints from either the Trenton School Board or the general public in this regard. Mr. Faras said that the pool that was promised was 50 yards in length vs. the 25 meter pool that is being installed. Mr. Sherman interjected that a 25 meter pool is the standard sized high school pool. He said that SDA typically does not provide pools and is doing so here as the old TCHS had a pool and SDA determined to provide a pool in this case for that reason. Mr.

Faras stated that the pool that is being provided is not what previously was in place—another example of SDA promises not kept.

Mr. Maloney said that over the past 4 ½ years, Mr. Faras has harassed Mr. McKenna and the Board. He said that no one else in the City of Trenton has complained except for Mr. Faras. He said that the City of Trenton is getting a new modern high school and that all Mr. Faras does is harass and that it is uncalled for. He said that Mr. Faras owes Mr. McKenna an apology. Mr. Faras indicated that he owed no one an apology. He complained that the Board has never questioned what Mr. McKenna was promising and what he was delivering. The Chairman assured Mr. Faras that when he (Mr. Faras) has raised issues, the Board has followed up on his concerns and has found them to be personal in nature and not based in the reality of what was being delivered. He said that SDA has received nothing but kudos from the residents of the City of Trenton and the School Board. He said that the new high school will be a resounding success for the City of Trenton. He said that Mr. Faras and the Authority will have to agree to disagree. Mr. Faras said others have come forward to complain to the Authority but have given up. He said that he lives down the street and that it is no problem for him to come forward to complain when the SDA “screws up”. Mr. Faras said that the pool size is a perfect example. Mr. Nixon said that he has nothing but faith in the staff. Mr. Faras said that he has no problem with the staff but, rather, he has a problem with management. He expressed his relief that Mr. McKenna is leaving the Authority.

Mr. Nixon then announced that the Board would be adjourning into Executive Session. Ms. Kelly said that the Board has resolved to adjourn into Executive Session to discuss a recommendation for determination of property value, declaration of surplus property and

authorization for the sale and conveyance of 711-729 Main Avenue in Passaic. She said that the Board's vote on this matter would take place upon its return to Open Session.

Thereafter, upon motion by the Chairman and with unanimous consent, the meeting adjourned into Executive Session.

Following discussion in Executive Session, the Board returned to Open Session.

Mr. Vargas said that, following discussion in Executive Session, the Real Estate Committee recommends that the Board approve management's recommendation for a determination of property value, declaration of surplus property and authorization for the sale and conveyance of 711-729 Main Avenue in Passaic. Upon motion duly made by Mr. Luckie and seconded by Mr. Kanef, the Board approved the Committee's recommendation in this matter with its unanimous vote in favor of ***Resolution A1***.

Adjournment

There being no further business to come before the Board, upon motion by Chairman Nixon and with unanimous consent, the meeting was adjourned.

Certification: The foregoing represents a true and complete summary of the actions taken by the Board of the New Jersey Schools Development Authority at its August 1, 2018 meeting.

/s/ Jane F. Kelly
Assistant Secretary