

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS MEETING
WEDNESDAY, JUNE 5, 2019**

A meeting of the Board of Directors of the New Jersey Schools Development Authority (SDA or the Authority) was held on Wednesday, June 5, 2019 at 9:00 A.M. at the offices of the Authority at 32 East Front Street, Trenton, New Jersey.

Participating were:

Robert Nixon, Chairman
Michael Kanef (Treasury)
Bernard Piaia (DOE)
Juan Burgos (EDA)
Kevin Egan
Richard Elbert
Loren Lemelle
Lester Lewis-Powder
Michael Maloney
Mario Vargas

being a quorum of the Board. Mr. Egan, Mr. Elbert, Mr. Kanef, Ms. Lemelle, Mr. Piaia, and Mr. Lewis-Powder participated in the meeting by teleconference.

At the Chairman's request, Manuel Da Silva, interim chief executive officer; Roy Garcia, chief of staff; Andrew Yosha, chief operating officer; Jane F. Kelly, vice president and assistant secretary; Donald Guarriello, vice president and chief financial officer; Thomas Schrum, 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 20 West State Street in Trenton, New Jersey. Ms. Kelly then conducted a roll call and indicated that a quorum of the Members was present.

Pledge of Allegiance

Led by the Chairman, the Members and all assembled stood and recited the Pledge of Allegiance.

Approval of Meeting Minutes

The Chairman presented for consideration and approval the minutes of the Board's April 3, 2019 and May 1, 2019 Open Session meetings. A copy of both meeting minutes and resolutions had been provided to the Members for review in advance of the meeting. Upon motion duly made by Mr. Vargas and seconded by Mr. Burgos, the Open Session minutes of the April 3, 2019 and May 1, 2019 SDA Board meetings were approved by the Board upon its unanimous vote in favor of the resolution attached hereto as ***Resolution 4a. and Resolution 4b.***

Authority Matters

CEO Report

Mr. Nixon asked Interim Chief Executive Officer (CEO) Manuel Da Silva for the Report of the CEO. Mr. Da Silva gave an update on September 2019 school openings. He reported that the four new schools that will open in September will deliver a total of 4,182 new seats, provide 680,000 square feet; and represent a State investment totaling over \$300 million.

First, Mr. Da Silva discussed the Irvington Madison ES that is set to open in September. He said that this new 73,500 square foot Elementary School will provide maximum capacity of 504 new seats in grades Pre-K to 5, representing a total project cost of approximately \$38.6 million. He explained that interior finish work is ongoing, as is exterior site work. Mr. Da Silva

added that Department of Community Affairs (DCA) inspections are in process and staff anticipates a temporary certification of occupancy (TCO) soon.

Turning to the Passaic Leonard Place ES, Mr. Da Silva reported that DCA issued a TCO for the school (without exception) and staff anticipates issuance of the certificate of occupancy later this month. He said that this new 105,000 square foot three-story Elementary School will provide maximum capacity of 698 new seats, representing a total project cost of approximately \$60 million. He explained that, during the course of the project, staff adjusted grade alignment to K to 8 in response to the district's needs. He said that the district will be using the school for summer school this year.

Next, Mr. Da Silva informed the Members that the Perth Amboy Seaman Avenue ES is a new 128,000 square foot three-story Elementary School that will provide maximum capacity of 804 new seats for grades K to 5, representing a total project cost of approximately \$56.4 million. He said that the name of the school upon opening will be the Rose M. Lopez ES. He advised that furniture and IT deliveries are currently in process, and all final inspections are underway for issuance of a TCO.

In continuing, Mr. Da Silva gave an update on the Trenton Central HS project. He said that this new 374,000 square foot high school will provide approximately 2,200 new seats for students in the 10th through 12th grades, representing a total project cost of approximately \$155.4 million. He said that the high school will include five small learning communities providing career technical education programs in the fields of health sciences, culinary arts, construction, physical fitness and automotive technology. He reported that furniture and IT deliveries are currently in process, and all final inspections are underway for issuance of a TCO.

Audit Committee

Amendment of Memorandum of Understanding Between the NJSDA and the Higher Education Student Assistance Authority [HESAA]

Mr. Nixon, as Audit Committee Chairman, reported that the Audit Committee met on April 15, 2019 and May 20, 2019 at which time management provided the Committee with the March and April 2019 New Funding Allocation and Capital Plan Updates. He reported that overall there was a \$13.8 million decrease in the Planning Reserve balance due to Board approval of the Orange Cleveland Street Elementary School addition and renovation (\$8.1 million) and the Orange High School addition and renovation (\$5.7 million) projects. He advised that there were no changes in any of the other reserve balances for the reporting period. Mr. Nixon reported that the reserve balance for the Regular Operating Districts (RODs) increased by \$1.9 million during the reporting periods due to a reduction in state share for grant projects nearing completion.

Next, Mr. Nixon reported that management and the Audit Committee are recommending the extension and amendment of a Memorandum of Understanding (MOU) between the SDA and the New Jersey Higher Education Student Assistance Authority (HESAA). Referencing material that was provided to the Board in advance of the meeting, he discussed details relevant to the proposed extension and amendment. He explained that HESAA administers the Governor's Industry Vocations Scholarship Program (NJ-GIVS) which, thru HESAA, provides financial aid in the form of scholarships. He explained that the scholarship covers the cost of tuition up to \$2,000 per year per student. Mr. Nixon then outlined the terms of the extension and amendment of the MOU as presented in the memorandum. He said that the initial MOU was executed in July 2013 and expired on May 1, 2019. He advised that management and the Audit Committee are recommending that the Board approve a three (3) year extension commencing

May 1, 2019 and ending on May 1, 2022. He said that, additionally, approval is requested establishing an annual budget in an amount not-to-exceed \$250,000 inclusive of HESAA administrative costs. Mr. Nixon noted the importance of supporting New Jersey's young people going into the construction trades.

A resolution pertaining to the proposed MOU extension and amendment had been provided to the Members in advance of the meeting. Following discussion, upon a motion by Mr. Vargas and seconded by Mr. Burgos, the MOU extension and amendment were approved by the Board upon its unanimous vote in favor of the resolution attached hereto as ***Resolution 6a***.

Mr. Nixon then reported that the Internal Audit Unit had provided the Committee with the results of its audit of the 2017 Common Area Maintenance (CAM) fees for the 32 East Front Street space. He noted that the Landlord is Matrix East Front Street Operating Company, LLC. He explained that CAM fees are assessed to cover the operating expenses incurred by the Landlord to maintain areas or services such as stairwells, elevators, roofs and HVAC equipment. He advised that the Audit objectives were met and operating costs were found to be allowable, properly allocated and calculated, and adequately supported and recorded in the proper account period. He noted that the Audit made two (2) recommendations that were reviewed by management and will be followed up and discussed with the Landlord as appropriate.

At this time, Mr. Maloney joined the meeting.

Mr. Nixon then provided the April 2019 Monthly Financial Report. He advised that the Authority's operating expenses (Actual vs. Budget) for the year-to-date period totaled \$7.6 million, \$655,000 lower as compared to the operating budget for the corresponding year. He said that the variance is attributable to 14 fewer than budgeted full time employees on staff. Year-to-Date Authority Operating Expenses (Actual vs. Prior Year Actual) are \$689,000 higher as compared to the operating budget for the corresponding prior year period. He advised that

this is largely attributable to the 2018 restructuring. He said that school facilities project expenditures (Actual vs. Forecast) for the year-to-date period are at \$87.1 million, \$12.6 million lower as compared to the capital spending forecast for the corresponding period. He explained that this variance is due to cost recovery settlements along with spending reductions in grant activity and school furniture purchases. Additionally, he said that the expenditures (Actual vs. Prior Year Actual) are lower by \$10.1 million as compared to the corresponding prior year. He noted that this variance is due to cost recovery settlements as well as decreased grant activity, offset by an increase in construction work.

In conclusion, Mr. Nixon reported that, since program inception, the Authority has disbursed approximately 83.7% of the funds authorized for SDA districts. Additionally, he said that, since program inception, 96% of all SDA disbursements relate to school facilities projects, while 4% relate to operating expenses. He advised that the estimated value of current school facilities project activity is over \$1 billion.

Mr. Nixon then advised the Members that the status of the audit on personnel is being finalized. He noted that it is quite extensive and will require an executive summary. He said that as soon as the audit is available he will be calling a meeting of the Audit Committee to discuss the findings internally.

School Review Committee

Release of Funds from Program Reserve – Camden Public Schools District – Forest Hills Elementary School - Emergent Projects – Roof Repair & Replacement and HVAC System Replacement; Approval of Emergent Project Charter and Approval of Release of Funds from Program Contingency Reserve – Newark Public School District - Dr. E. Alma Flagg Elementary School – Emergent Project – Exterior Door and Partial Roof Replacement; Release of Funds from Program Reserve, Award of Contract and Approval of the Final Project Charter - Newark Public School District – Chancellor Avenue Elementary School - Emergent Project – Sub-Basement Water Infiltration; Approval of Resolving Change Order No. 1, Approval of Emergent Project Charter and Approval of Release of Funds from Program Contingency Reserve – Newark Public School District – Lafayette Street School; Construction Manager Award – Paterson School District - Middle School at Union

Avenue Release of Funds from Program Reserve – Pleasantville Schools District – North Main Elementary School – Emergent Projects – HVAC System Replacement; Extension of Existing Regulations: Notice of Readoption (without Amendments) – Delegation of School Facilities Projects, N.J.A.A. 19:34B

Mr. Nixon asked Mr. Vargas to provide the report of the School Review Committee. Mr. Vargas reported that the School Review Committee met on both April 15 and May 20, 2019 at which time seven items were discussed in Open Session and various legal matters were discussed in Executive Session. He said that the first item for Board consideration is a release of funds from the program reserve for the Camden Forest Hills ES emergent project. He reported that the Forest Hill ES is a 60,000 square foot facility that educates approximately 300 students in grades Kindergarten to 5. He said that, in June 2018, the Camden School District submitted potential emergent projects to the Department of Education (DOE) for review to address the roof and HVAC systems at the school. He advised that SDA staff subsequently undertook a site visit to confirm the existing conditions and, in September 2018, DOE issued preliminary project approvals for projects to address both the roof and HVAC system problems. He explained that it was determined that delegating the projects for district management would be the most expedient and efficient means of completing the work. Mr. Vargas said that the recommended scope included replacement of the existing roofing system and HVAC system and controls throughout the building. He added that SDA staff reviewed the scope and determined that it adequately addresses the identified conditions and does not include work above that required to remedy the conditions. He said that, based upon construction bids received by the district and estimated costs for professional services and other costs that have been reviewed by the SDA, the cost of the projects, including appropriate contingency, totals \$1,950,400. He said that management recommends that the Board approve the release of \$1,950,400 from the program reserve to

address the emergent roof and HVAC System replacement projects at the Camden Forest Hills ES.

A resolution pertaining to this matter was provided to the Board for review in advance of the meeting. Upon motion duly made by Mr. Burgos and seconded by Mr. Piaia a release of funds from the program reserve for the Camden Forest Hills ES emergent project was approved with the Board's unanimous vote in favor of ***Resolution 7a***.

Next, Mr. Vargas said the Committee is recommending an emergent project charter and release of funds from the program contingency reserve for the Newark Dr. E. Alma Flagg ES emergent project. He reported that the Dr. E. Alma Flagg ES (Flagg School) is a 53,000 square foot facility in the Newark District educating approximately 450 students in grades K through 8. He explained that in July 2016 the DOE and SDA launched a third statewide effort to identify and evaluate potential emergent projects throughout the SDA Districts. He said that this effort resulted in the identification of conditions at the Flagg School for advancement as an emergent project involving the replacement of limited portions of the roof and repair and replacement of all ground-level exterior doors. Mr. Vargas reported that in November 2017 SDA engaged Patock Construction Company, Inc. (Patock) to perform all design services and construction work associated with the replacement of a portion of the school's roof area and replacement of 30 exterior doors using the existing general construction task order contract (GCTO contract). He added that Patock's engagement established a not-to-exceed value of \$495,000 to complete the work. He said that the CEO-approved engagement of Patock, when aggregated with contingency, SDA staff costs and other costs exceeds \$500,000 thus requiring Board approval to establish the final project budget and associated release of funds from the program contingency reserve. He added that management recommends that the Board approve the project's emergent charter and the release of \$159,000 from the program contingency reserve.

A resolution pertaining to this matter was provided to the Board for review in advance of the meeting. Upon motion duly made by Mr. Piaia and seconded by Mr. Burgos, and with Mr. Lewis-Powder abstaining, the emergent project charter and release of funds from the program contingency reserve were approved for the Newark Dr. E. Alma Flagg ES emergent project with the Board's unanimous vote in favor of **Resolution 7b**.

Next, Mr. Vargas reported that the Committee is recommending approval of the release of funds from the program reserve, a contract award and final project charter for the Newark Chancellor Avenue ES emergent project (the Project). He said that the Newark Chancellor Avenue ES is an approximately 93,000 square foot facility in the Newark Public School District educating approximately 698 students in grades three through eight. He added that the DOE approved an emergent project for the school to address water infiltration issues. He said that SDA determined to use the GCTO contract and the package was bid on a lump sum basis beginning April 10, 2019. Mr. Vargas explained that, upon completion of the procurement process, management recommends award of the project to Catcord Construction Company, Inc. (Catcord) in the amount of \$493,300. Mr. Vargas said that, following review, management advises that Catcord has included all project scope work in its bid and Catcord has confirmed that its price proposal is inclusive of all scope elements contained in the contract documents. He added that management further recommends that the Members of the Authority approve the Project's final charter and the release of \$845,066 from the emergent program reserve.

A resolution pertaining to this matter was provided to the Board for review in advance of the meeting. Upon motion duly made by Mr. Piaia and seconded by Mr. Nixon, and with Mr. Lewis-Powder abstaining, the release of funds from the program reserve, contract award and final project charter for the Newark Chancellor Avenue ES emergent project was approved with the Board's unanimous vote in favor of **Resolution 7c**.

In continuing, Mr. Vargas said that management also is recommending approval of resolving change order No. 1, the emergent project charter and a release of funds from the program contingency reserve for the Newark Lafayette Street School (Lafayette School) project. He reported that the Lafayette School is a 68,000 square foot facility educating approximately 712 students in grades Pre-Kindergarten through 8. He explained that in July 2016, as part of a statewide effort to identify and evaluate potential emergent projects throughout the SDA Districts, conditions at the Lafayette School were identified for advancement as an emergent project. He advised that in June 2018, Mark Construction Inc. (MCI) was engaged through the existing GCTO contract to perform all work associated with the replacement of approximately 3,400 square feet of roofing and twelve exterior doors and frames. Mr. Vargas said that in June 2018, 1,300 square feet in additional roof area that was not included in the original emergent project scope was identified by the district and submitted to the DOE and SDA for potential inclusion in the project. He added that SDA, in consultation with the DOE, determined that the additional roof area should be incorporated into the scope of the emergent project and MCI provided a proposal to replace the additional roof area. He informed the Members that SDA staff has reviewed and negotiated the value of this additional scope with MCI and a final value of \$56,189 was agreed to by all parties. He said that CCD No. 1 was issued to MCI in May 2019 to address the additional 1,300 square feet of roof area in order to maintain the construction schedule. He noted that resolving change order No. 1 in the amount of \$56,189 resolves CCD No. 1. Mr. Vargas reported that since resolving change order No. 1 exceeds 10% of the contract value, it must be approved by the Board. He said that management recommends Board approval of resolving change order No. 1, the emergent project charter, and the release of funds from the program contingency reserve in the amount of \$210,200, representing the total needed to address the final scope of work, construction contingency, SDA staff costs and other costs.

A resolution pertaining to this matter was provided to the Board for review in advance of the meeting. Upon motion duly made by Mr. Piaia and seconded by Mr. Burgos and with Mr. Lewis-Powder abstaining, resolving change order No. 1, the emergent project charter and a release of funds from the program contingency reserve for the Newark Lafayette Street School emergent project was approved with the Board's unanimous vote in favor of ***Resolution 7d***.

Mr. Vargas reported that the Committee also is recommending a construction management services award for the Paterson Union Avenue MS project. He informed the Members that the new Paterson Union Avenue MS project will involve construction of an approximately 163,000 square foot building to educate 996 students in grades 6 through 8. He said that the project will be constructed on the site of the former Don Bosco School which was acquired by the SDA in May 2004. He noted that the Don Bosco School was utilized by the district as a school facility through the 2016-2017 school year. He advised the Board that the abatement and demolition of the Don Bosco School was completed on July 30, 2018. In continuing, Mr. Vargas informed the Members that in September 2018, the Board approved the final project charter and the award of a design-build construction contract to Epic Management, Inc. (Epic) for the project. He said that, also in September 2018, Epic was issued a notice of award for the construction of the school and on October 2018 Epic received the notice to proceed with the design phase of the project. Mr. Vargas advised that in April 2019 a package for construction management (CM) services was advertised as a "price and other factors" procurement with price weighted as 40% of the overall weight, and all non-price factors having a combined weight of 60%. He said that, upon completion of the procurement process, management recommends award of the contract in the amount of \$1,788,346 to Cambridge Construction Management, Inc. (Cambridge) for the project. He added that Cambridge has

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 for review in advance of the meeting. Upon motion duly made by Mr. Piaia and seconded by Mr. Maloney, the construction management services award for the Paterson Union Avenue MS project was approved with the Board's unanimous vote in favor of ***Resolution 7e***.

Next, Mr. Vargas said that the Board is asked to consider management's recommendation for a release of funds from the program reserve for the Pleasantville North Main ES emergent project. He informed the Members that the North Main ES is an approximately 56,000 square foot facility that educates approximately 377 students in grades Pre-Kindergarten to 5. He said that in January 2019 the Pleasantville Public Schools District submitted a potential emergent project to the DOE for review to address the HVAC system at the school. He noted that in May 2019 DOE issued preliminary approval for a project to address the HVAC system at the school. He added that the district's engaged consultant reviewed the emergent condition and developed a scope of work to address the HVAC system. Mr. Vargas advised that the scope includes replacement of the existing geothermal HVAC system and controls with a traditional boiler and chiller system. He said that SDA staff has reviewed the scope to ensure that it adequately addresses the identified conditions and does not include work above that required to remedy the conditions. He informed that Members that based upon construction bids received by the district and other costs that have been reviewed by the SDA, the cost of the project, including appropriate contingency, totals \$2,626,000. He said that management recommends that the Board approve the release of \$2,626,000 from the program reserve to address the emergent HVAC System replacement project at the Pleasantville North Main ES.

A resolution pertaining to this matter was provided to the Board for review in advance of the meeting. Upon motion duly made by Mr. Piaia and seconded by Mr. Burgos, a release of funds from the program reserve for the Pleasantville North Main ES emergent project was approved with the Board's unanimous vote in favor of ***Resolution 7f***.

Next, Mr. Vargas said that the Committee is recommending an Extension of Existing Regulations and a Notice of Re-adoption (without amendments) for the Delegation of School Facilities Projects rules. He reported that on April 4, 2012 the SDA Board approved for final adoption regulations for the Delegation of School Facilities. He said that the Rules were formally published in the New Jersey Register on May 21, 2012 and were due to expire on May 21, 2019. He explained that the Rules provide the framework for SDA school districts to manage their school facilities projects. Mr. Vargas further explained that State agencies and authorities may utilize a Notice of Re-adoption (NOR) process to seek additional time to review or modify existing rules, or to ensure that underlying rules do not expire while the agency pursues substantive amendments through the normal rulemaking process. He said that, due to the expiration of the Rules on May 21, 2019, a NOR has been sent to the Office of Administrative Law to meet the statutory 30-day filing requirement, but processing of the re-adoption and extension is suspended pending the Board's ratification. He added that management is seeking Board ratification of the filing of the NOR to extend the expiration of the Rules. Mr. Vargas explained that while the NOR process effectuates the re-adoption of the rules and, therefore, automatically extends the rules for the normal seven-year rule duration, it is the intention of management to act expeditiously to develop any amendments needed to correct or improve the Rules and to submit any proposed amendments to external entities for review and validation before seeking approval from the Board for a proposed re-adoption of the Rules with

amendments. He said that SDA management recommends that the Members ratify the Authority's use of the NOR process to effectuate the re-adoption and extension of the Rules.

A resolution pertaining to this matter was provided to the Board for review in advance of the meeting. Upon motion duly made by Mr. Piaia and seconded by Mr. Maloney, the Extension of Existing Regulations and Notice of Re-adoption (without amendments) for the Delegation of School Facilities Projects rules were approved with the Board's unanimous vote in favor of *Resolution 7g*.

Real Estate Committee

Extension of State-Wide Property Management and Maintenance Services – GP-0128-R01

At the Chairman's request Mr. Vargas advised the Members that management and the Real Estate Committee are seeking board approval of a three-month extension of the State-Wide Property Management and Maintenance Services Contract. Referencing materials that previously were provided for Board review, he said that at the May 2015 Board meeting, the Members authorized management to enter into its existing contract with Bluegrass Hydro-Seed LLC (Bluegrass) for the maintenance of SDA-owned property. He reported that at the March 2018 Board Meeting the Members authorized a one-year extension of the contract for the not-to-exceed amount of \$700,000. He advised that to-date the extension amount reflects an unused balance of approximately \$320,000. Mr. Vargas reported that the extension expired on May 31, 2019. He explained that the procurement process for a new maintenance contract was advertised but was canceled on May 2, 2019 in order to make necessary modifications to the Request for Proposals (RFP). He advised that the modified RFP was advertised on May 3, 2019. He explained that, in order to avoid a gap in services between the date of the expiration of the extension and the execution of a new contract, an extension of the term of the current agreement was warranted. Mr. Vargas reported that, following consultation with the Chairman of the

Board, management executed an additional extension of its current agreement with Bluegrass on May 6, 2019. He said that management is now asking that the Board ratify this action. He explained that the term of the Agreement was extended for a period of three (3) months from June 1, 2019 through August 31, 2019. He noted that this extension does not require a commitment of any additional SDA funds. He added that the SDA would have the right to terminate the agreement at any time during the extended term by giving Bluegrass Services a Notice of Termination as specified in the agreement.

Following discussion, upon motion duly made by Mr. Nixon and seconded by Mr. Piaia, the Board ratified the State-Wide Property Management and Maintenance Services contract amendment dated May 6, 2019 with its unanimous vote in favor of ***Resolution 8a***.

Public Comments

The Chairman then opened the Public Comments portion of the meeting. He invited Heather Sorge to the podium. Ms. Sorge said that is she is that campaign organizer for Healthy Schools Now, a coalition comprised of over 60 organizations that represents a diverse set of stakeholders. She said that these include public school advocates, parents, social justice organizations, faith leaders and environmentalists who are dedicated to ensuring that all New Jersey school children and school employees learn and work in safe modernized school buildings, regardless of zip code. She said that, unfortunately, ensuring those needs are being met at this time is out of the Coalition's control due to obvious funding constraints. She said that while she understands that the SDA is in a transition process she believes it is imperative that we do not lose sight of what the SDA was established to do. Ms. Sorge said that in 1998, after the Abbott vs Burke ruling, the New Jersey Supreme Court ruled that the state must provide 100% funding for renovation and construction projects in the 31 special needs school districts. She added that, at the time, it was determined that aging, unsafe and overcrowded buildings prevent

children from receiving the thorough and efficient education that is required under the New Jersey Constitution. She said that no new funding has been granted from the state since 2008 and this has left the SDA with no new money for capital projects, a problem that the Legislature has known about and ignored for years. She said that, as per the Education Law Center, the long range facilities plans for these districts, as approved by the DOE, have identified the need for 381 additional projects, including 200 school renovations and 102 school buildings. Ms. Sorge said that Regular Operating District grants have also been affected by the lack of funding leaving tax payers to fully absorb the cost of facility projects that may actually qualify for funding, if funding actually existed. She said that it is absolutely reprehensible that this state obligation is not being met as per the law, leaving New Jersey's students and staff to suffer as a result. She added that health and safety should be paramount when it comes to New Jersey facilities but current data does not support this. She said that one would wonder how New Jersey could be touted as being the second best education system in America. She added that, in stark reality, New Jersey staff and students are working and learning in unhealthy, unsafe and overcrowded buildings. She said that our children, who are our future, cannot be expected to learn and thrive under these unsatisfactory conditions. She added that we need to continue to push, advocate and to meet our legal obligations as a state and to do better for the children of New Jersey.

Mr. Nixon asked Adele Bonar to address the Board. Ms. Bonar said "We are still here, waiting for you to do the right thing." She said that the little people, workers who had no voice, are waiting for the Board Members to find their voices. She noted that the interim CEO stated that he would like the SDA to be back in the spotlight for only good things. Ms. Bonar said that the status quo at the SDA has to change for the better. She said that every executive and director has to be accountable for the horrendous situation that occurred when Al Alvarez was Chief of Staff and Lizette Delgado Polanco was CEO. She said that the directors and executives chose to

stay silent in order to protect themselves and that this needs to be evaluated. She said that it was “the nobodies”, the little people who had no voice that were fired and that they were the ones to show the true light on the agenda of Delgado Polanco--the friends and family she brought into the SDA and the falsification of her college degree. She stated that they uncovered that the new hires were given big salaries, jobs that they were not qualified for and are still not qualified to perform. She stated that “we should not be the collateral damage of the short tenure of Delgado Polanco.” She asked the Board to “do the right thing and give us our jobs back.” She said that people like her would not stop talking and will continue to fight for what is right even if they are bullied by SDA management for speaking the truth. Ms. Bonar asked that the Members do the right thing.

Next, the Chairman asked Sameer Shah to address the Board. Mr. Shah introduced himself to the Members and congratulated Mr. Da Silva on his new role as the Authority’s interim CEO. He said that he is offering public comments today as he has in the past several Board meetings in order to speak up and make sure that the truth is known. He said that what was done to him was unlawful. He said that he wanted to be very clear and that the statement he is making is based on facts. He said that a few high performing individuals including him were targeted because they were independent and performing their jobs in a manner that exposed unwise fiscal decisions by high level SDA officials. He identified a SDA vice president who told him personally that the reason he despised him was because he was not generous enough when evaluating and authorizing the change orders submitted to the SDA by contractors. He said that the vice president threatened him that he would use all his connections with the incoming administration to see that he was terminated. He said that two other vice presidents and many other management colleagues warned him that a third vice president, who he identified by name, wanted to see him fired but that he shouldn’t worry because his job performance was

top notch. He said that in July 2018 former CEO Charlie McKenna, informed him that he was promoted to be Director of the Contract Management Division. He said that, following his September 20 termination, he learned from then-CEO Lizette Delgado Polanco in a phone call on April 2, 2019 that his promotion papers had been removed from his personnel file. He identified the vice president whom he held responsible for this. He added that that he was told personally by the former human resources director that this vice president vetoed his promotion. He said that this was confirmed by several sources including former CEO Delgado Polanco who advised that his personnel records were missing from his personnel file. He said that he held this same vice president responsible since they directly supervised the human resources division at that time. He said that this vice president had an obligation to secure personnel records and failed to do so and was thus responsible for the fact that his personnel files were altered. He referenced a defamation suit that the vice president had filed against him and said that, rather than shutting him up, he will continue to speak the truth until justice is done.

The Chairman then invited three individuals from Unido por Escuelas Dignas New Brunswick to the podium. Charles Bergman from Unido por Escuelas Dignas then translated for Ms. Rosario Camacho. Ms. Camacho said that she is a mother of children in the Roosevelt School in New Brunswick. She said that the Roosevelt School is in very poor condition and is a very old school. She said that what she wants is a dignified school, a school that inspires the children and that has proper air conditioning so that the children can concentrate on their schoolwork. She said that she wants to work together with the SDA for new school projects in New Brunswick. She said that the community already has seen the results of SDA school projects in New Brunswick. She said that they are inspiring and they are healthy for the children, students, teachers and employees of the New Brunswick schools.

The Chairman then invited Sara Vidal from Unido por Escuelas Dignas to address the Board. Mr. Bergman translated for Ms. Vidal. Ms. Vidal said that she was speaking as a mother, noting that her children attended the Roosevelt School in New Brunswick. She said that her children suffered greatly from the conditions in the schools and she does not want other children to have to go through the same thing. She said that she recalls receiving a note from school personnel advising that, due to the heat in the school, her children were developing nose bleeds. She added that her two male children suffered from allergies and the heat aggravated their allergies and gave them rashes and nose bleeds. Ms. Vidal said that she doesn't want other children going through the same thing and so she is asking how the group can support the work of the SDA so they can have dignified schools in the future.

The Chairman then invited Yolanda Hernandez from Unido por Escuelas Dignas to speak to the Board. Ms. Hernandez said that she has lived in New Brunswick for 14 years and has three children. She said that she wants to better the schools in New Brunswick because they don't have air conditioning. She said that sometimes in the winter time they also don't have heat so it is very cold. She said that the organization started a campaign because they have 2000 children in the New Brunswick schools who must contend with these conditions. She said that she is an advocate for the children because they don't have a voice. She said that the organization talks to the Board of Education (BOE) every month about the lack of air conditioning in the schools. She said that the BOE told her to come to Trenton and to talk to the SDA. She said that she wants to work together with the SDA because she believes that we need better places for our children. Mr. Nixon thanked Ms. Hernandez for her comments and for raising her issues and concerns with the SDA. Mr. Da Silva said that staff was unaware of the conditions at the school and will look into them.

Lastly, the Chairman invited Manisha Mehta to come to the podium. Ms. Mehta advised that she has ten (10) plus years of experience in the public sector and that she has an MBA from Rutgers University. She advised the Board that in July of 2018 she applied for a position with the SDA. She said that she was notified that she would be contacted with an interview date. She said that she called many times to set up an interview date and finally was told that there was a transition and that things were “on-hold.” She said that eventually she was told by Maribell (former HR Director Osnayo-Lytle) that there was a hiring freeze in effect. She said that she then was reading about the SDA in the newspapers to the effect that the new administration had hired a lot of unqualified people through the back door. She said was upset. She noted that she spoke to the Members at the April Board Meeting and today wanted them to know that she is still waiting to hear from them “at the front door.” She asked how one transitions from the private sector to the public sector. She asked if highly qualified people are ever hired and asked when she would be hearing from the SDA as her application is still pending there.

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 various legal matters including the following: 1) Recommendation for Global Settlement of All Claims Asserted By Dobco, Inc. in Connection with the Jersey City ES No. 3, Passaic Henry Street Elementary School and Jersey City PS No. 20 Projects; 2) Recommendation for Global Settlement of All Claims Asserted By and Against the Spector Group; and 3) Recommendation for Settlement of the Newark Science Park HS Recovery Litigation. She said that the Board’s votes on these matters would be taken 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. Nixon said that, following discussion in Executive Session, the School Review Committee recommends that the Board approve management's recommendation for Global Settlement of All Claims Asserted By Dobco, Inc. in Connection with the Jersey City ES No. 3, Passaic Henry Street ES and Jersey City PS No. 20 projects. Upon motion duly made by Mr. Vargas and seconded by Mr. Burgos, the Board approved the Committee's recommendation in this matter with its unanimous vote in favor of ***Resolution A1***.

Mr. Nixon said that, the School Review Committee recommends that the Board approve management's recommendation for Global Settlement of All Claims Asserted By and Against the Spector Group. Upon motion duly made by Mr. Vargas and seconded by Mr. Burgos, the Board approved the Committee's recommendation in this matter with its unanimous vote in favor of ***Resolution A2***.

Mr. Nixon said that, the School Review Committee recommends that the Board approve management's recommendation for Settlement of the Newark Science Park HS Cost Recovery Litigation. Upon motion duly made by Mr. Vargas and seconded by Mr. Burgos and with Mr. Lewis-Powder abstaining, the Board approved the Committee's recommendation in this matter with its unanimous vote in favor of ***Resolution A3***.

Adjournment

There being no further business to come before the Board, upon motion by the Chairman 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 June 5, 2019 meeting.

/s/ Jane F. Kelly
Assistant Secretary