

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS MEETING
WEDNESDAY, APRIL 6, 2022**

A meeting of the Board of Directors of the New Jersey Schools Development Authority (SDA or the Authority) was held on Wednesday, April 6, 2022 at 9:00A.M.

Participating were:

Robert Nixon, Chairman
David Moore (Treasury)
Bernard Piaia (DOE)
Juan Burgos (EDA)
Kevin Luckie (DCA)
Richard Elbert
Daniel Gumble
Lester Lewis-Powder
Mario Vargas

being a quorum of the Members of the Board. Mr. Elbert, Mr. Gumble, Mr. Lewis-Powder, Mr. Moore, Mr. Piaia and Mr. Vargas participated in the meeting by teleconference.

At the Chairman's request, Manuel Da Silva, chief executive officer; Donald Guarriello, vice president and chief financial officer; Jane F. Kelly, vice president and assistant secretary; Albert Barnes, chief counsel; Gregory Voronov, managing director; and William Coonahan, deputy director of the SDA, participated in the meeting. Joy Johnson of the Governor's Authorities Unit (GAU) also participated in the meeting,

Pledge of Allegiance

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

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 and on the SDA Website. Ms. Kelly then conducted a roll call and indicated that a quorum of the Members of the Board was present.

Approval of Meeting Minutes

The Chairman presented for consideration and approval the minutes of the Board's February 2, 2022 Open Session meeting. A copy of the meeting minutes and a resolution had been provided to the Members for review in advance of the meeting. Upon motion duly made by Mr. Luckie and seconded by Mr. Vargas, the Open Session minutes of the February 2, 2022 SDA Board meeting were approved with the Members' unanimous vote in favor of the resolution attached hereto as ***Resolution 3a.***

Mr. Nixon then presented for consideration and approval the minutes of the Board's February 16, 2022 Open Session meeting. A copy of the meeting minutes and a resolution had been provided to the Members for review in advance of the meeting. Upon motion duly made by Mr. Luckie and seconded by Mr. Burgos, the Open Session minutes of the February 16, 2022 SDA Board meeting were approved with the Members' unanimous vote in favor of the resolution attached hereto as ***Resolution 3b.***

Next, Mr. Nixon presented for consideration and approval the minutes of the Board's February 16, 2022 Executive Session meeting. A copy of the meeting minutes and a resolution had been provided to the Members for review in advance of the meeting. Upon motion duly made by Mr. Luckie and seconded by Mr. Burgos, the Executive Session minutes of the

February 16, 2022 SDA Board meeting were approved with the Members' unanimous vote in favor of the resolution attached hereto as *Resolution 3c*.

Authority Matters

Chairman's Report

The Chairman announced that that he would be reading a letter that he received from a former employee who had previously appeared at SDA Board meetings and offered a number of comments that he would like to recant. Mr. Nixon read the letter into the meeting record as follows:

Dear Mr. Nixon:

I write this letter to recant claims that I made before the SDA Board, in emails and in letters sent to Chairman Nixon, SDA leadership and others.

On April 3, 2019, and June 5, 2019, I appeared before this Board and offered public comments. In my comments, I accused SDA Vice President Jane Kelly of tempering (sic) with my personnel file. I also made other negative comments about Ms. Kelly both verbally and in writing and urged that she be disciplined.

I have determined that all the claims that I made regarding Ms. Kelly were untrue. My claims were widely reported in newspapers and on line and I acknowledge that they were harmful to Ms. Kelly, both professionally and personally.

I want to set the record straight and to recant my false allegations about Ms. Kelly.

I regret my actions and apologize to Ms. Jane Kelly for the harmful and untrue claims that I made about her both verbally and in writing.

Sincerely,

Sameer Shah

Mr. Nixon advised the Board that the letter was dated March 28, 2022. He said that he hoped that this would put an end to this unfortunate chapter. A copy of the letter is appended hereto as Attachment A.

CEO Report

The Chairman then asked Mr. Da Silva for the Report of the CEO. Mr. Da Silva provided an update on design-build projects in construction. He said that Phase IV building enclosure has begun for the Millville High School project. He reported that for the Passaic Dayton Avenue Educational Campus project, a certificate of occupancy (CO) was obtained on February 23. He added that the district is now occupying the facility, operating the early childhood center and plans on full building occupancy in September. He noted that this is the district's soft opening involving approximately 10 classes of Pre-Kindergarten students. For the Paterson Union Avenue Middle School project, he advised that all areas of the building have been recommended for a temporary CO. He noted that SDA has applied to the Department of Community Affairs (DCA) for an updated temporary CO. He added that CO recommendations have been received from fire, electrical and plumbing but that management is awaiting the CO for the building.

In continuing, Mr. Da Silva reported that for the Perth Amboy High School project, steel erection is ongoing and is expected to be complete in April. For the Plainfield Woodland Elementary School project, he said that exterior sheathing is complete and brick work has commenced.

Turning to design-bid-build projects in the construction stage, Mr. Da Silva advised that for the Orange Cleveland Street Elementary School project, Brockwell and Carrington (B&C) has completed work to secure the site as management prepares for the transition to a new contractor for completion of the project's scope. He added that new bid documents are being prepared for bidding.

Next Mr. Da Silva gave an update on projects in the programming/pre-design/in-house design stages. He advised that for the Union City New Grade 7 to 9 School project, demolition of the acquired properties is complete. He added that the request for proposals portion of the procurement process is underway. He noted that technical and price proposals are due in April.

Turning to non-project related matters, Mr. Da Silva reported that on March 3, he visited School No. 24 in Passaic for a Read Across America event. He said that he visited a couple of the Pre-Kindergarten classrooms to read stories to 3-4 year old students. He again noted that this school is part of the Dayton Avenue Educational Campus which will officially open this September.

Next, Mr. Da Silva informed the Members that Governor Murphy included \$430 million for the SDA/school construction in the FY2023 budget. He explained that this includes \$350 million to fund school facility projects and \$80 million to support capital maintenance projects/emergent needs in all school districts. He said that the SDA is scheduled to testify before the Assembly Budget Committee on Monday, April 11, and before the Senate Budget and Appropriations Committee on Thursday, April 28. He advised the Board that management is currently meeting with legislators to provide information and answer any questions prior to the budget hearings. He added that additional budget preparation work is ongoing.

In continuing, Mr. Da Silva discussed the status of the SDA-owned Astor Place property. He said that, as the Members know, last year the Jersey City School District (District) requested that the Authority agree to permit the Black Interest Team Enterprise (BITE) organization to operate a community garden on SDA-owned property adjacent to the District's Julia Barnes School. He explained that management supports the use of the property for the garden and in May of last year, provided the necessary licensing documents for the District and BITE to review and sign to facilitate operation of the community garden on the site. He advised that the licensing

documents management forwarded to BITE and the District are the same licensing documents that the SDA uses whenever the Authority is authorizing the use of SDA-owned land by third parties for urban gardens and other purposes.

In continuing, Mr. Da Silva informed the Members that on March 1, 2022, legal counsel for BITE sent an incomplete draft of a proposed sub-license agreement to SDA's chief counsel. He said that on March 9, SDA's chief counsel sent a reply letter to BITE's counsel that, among other things, detailed various key terms that had been omitted in BITE's proposed sub-license and, again, attached a complete set of the licensing documents management had forwarded to BITE last year with the request that BITE's counsel provide an edited version of the documents incorporating all of BITE's proposed changes. Mr. Da Silva said that despite the passage of 4 weeks, BITE's counsel had not responded. He said that management received an email from BITE at approximately 7:00PM last night with a licensing document and several notes throughout the document. He said that management will review the licensing document and send a response to BITE's counsel as soon as possible. He added that this is unfortunate, since the community garden project cannot advance without a complete response from BITE's counsel and the negotiation of terms that are acceptable to BITE, the District and the Authority.

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 March 21, 2022 at which time management provided the Committee with the February 2022 New Funding Allocation and Capital Plan Updates. He reported that overall there was a \$400,000 decrease in the 2008 Emergency Projects Reserve balance following CEO approval of the release of funds to address an emergent boiler room roof repair project at the Plainfield High

School. 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 million during the reporting periods due to a reduction in state share for grant projects nearing completion.

Next, Mr. Nixon provided the February 2022 Monthly Financial Report. He advised the Members that the Authority's operating expenses (Actual vs. Budget) for the year-to-date period totaled \$2.1 million, down \$395,000 as compared to the budget for the corresponding period. He explained that this decrease is mainly attributable to lower than projected payroll allocations to project expenditures. Mr. Nixon then reported that school facilities project expenditures (Actual vs. Forecast) for the year-to-date period total approximately \$80.8 million, approximately \$30.3 million higher as compared to the capital spending forecast for the corresponding period. He advised the Members that this variance is the result of higher than forecasted expenditures for grant activity, school furniture purchases, and design services, partially offset by lower than forecasted spending in construction activity payroll expense allocations, project insurance, inter-agency transfers, and property acquisitions. Mr. Nixon said that project expenditures (Actual vs. Prior Year Actual), at approximately \$80.8 million, are higher by \$47.9 million when compared to the capital sending forecast for the corresponding prior period. He advised the Members that this variance is the result of an increase in expenditures for grant activity, school furniture purchases and design services, offset by decreased spending in construction activity, PMF/CM services, payroll expense allocations, project insurance and property acquisition.

Mr. Nixon said that, since program inception, 91.1% of the funds authorized for the SDA districts have been disbursed. Additionally, he noted that 96% of all SDA disbursements relate to school facilities projects, while 4% relate to operating expenses. He advised that the estimated

value of active school facilities capital projects, along with emergent and regular operating district grant projects, is approximately \$1.1 billion.

Next, Mr. Nixon reported that management and the Audit Committee are recommending approval of an addendum to 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, Mr. Nixon discussed details relevant to the proposed addendum. He explained that the Governor's Industry Vocations Scholarship Program (NJ-GIVS) is a scholarship program for New Jersey students continuing their education in the construction trades. He said that the program, which has been funded by SDA and administered by HESAA since 2013 pursuant to an MOU, allows SDA to meet its statutory responsibility to fund construction-related job training for women and minorities. He advised that since 2013, the Authority has expended \$1.5 million on the scholarship program — inclusive of fees paid to HESAA to administer it. Mr. Nixon said that SDA and HESAA together have awarded scholarships of up to \$2,000 to over 764 students who have furthered their educations at various institutions of higher education throughout the State. He noted that the current MOU governing the program is expiring in May. He said that management is requesting that the Board approve a 3-year extension of the MOU effective May 1, 2022, adding that its expiration date would be April 30, 2025. Additionally, he said that management is seeking approval to establish an annual budget in an amount not-to-exceed \$250,000.00, inclusive of HESAA's administrative fees up to \$22,700 per year.

A resolution pertaining to the proposed MOU addendum was provided to the Members in advance of the meeting. Following discussion, upon a motion by Mr. Luckie and seconded by Mr. Burgos, a three year extension of the MOU between the SDA and HESAA for the NJ-GIVS

program was approved by the Board with its unanimous vote in favor of the resolution attached hereto as ***Resolution 5a***.

Lastly, Mr. Nixon noted that since the Board did not meet in March, the Members should be aware that at the Committee's February 14, 2022 meeting, management presented the Authority's 2022 capital spending forecast and the preliminary year-end financial report. He said that the CEO also presented his quarterly staffing report.

School Review Committee

The Chairman asked Mr. Luckie to provide the report of the School Review Committee. Mr. Luckie reported that the School Review Committee met on March 21, 2022, at which time five items that require Board consideration were discussed. He said that management is asking the Board today to approve the 2022 SDA Capital Plan (Plan) and authorize the expenditure of funds for planning activities to advance projects under the Plan. He explained that every five years, the Authority is required by law to establish a Statewide Strategic Plan to be used in sequencing SDA district facilities projects. He advised that the Authority also is required to authorize the expenditure of funds by management in performing the necessary planning work towards the development of charters for the projects included in the Plan. He said that the SDA identifies new projects to be advanced as part of the Plan on a rolling basis through the Educational Facilities Needs Assessment (EFNA) process. He reported that in 2021, a Working Group comprised of SDA and Department of Education (DOE) staffs initiated an update to the DOE's 2019 Needs Assessment through meetings held with all 31 SDA Districts. He noted that the objective was to validate and update district needs identified in the 2019 Needs Assessment. Mr. Luckie said that Mr. Da Silva and Mr. Voronov would share the results of that effort with the Members.

Utilizing a power point presentation, Mr. Da Silva discussed management's proposed update to the 2019 Statewide Strategic Plan, along with the SDA's 2022 Capital Plan. He explained that management will be seeking Board approval to advance 3 additional capital projects into construction. He advised that this is possible due to the \$200 million budget appropriation the SDA received in the State's FY 2022 budget which can be used to advance projects identified in the Statewide Strategic Plan.

Mr. Da Silva explained that the presentation is organized into 4 sections. He said that the first section provides an update of SDA's current portfolio of capital projects. He noted that 31 of the 39 projects in the Authority's capital program have been delivered, providing over 28,000 new seats throughout the SDA Districts (delivery time frame 2011 to present). He added that 8 projects are currently active and will provide nearly 7,000 new seats, and that 6 projects are in construction. He noted that the SDA is currently in the process of engaging a design-builder for 1 project, and 1 project is in the scope development phase of design.

Mr. Da Silva reported that the presentation's second section provides an overview of SDA's delivery methods and approach to project advancement and sets forth the overall results that the Capital Plan will provide. Most notably, he said that 34,787 new seats will be delivered and approximately 1.26 million square feet of conditions in existing facilities will be addressed either through replacement facilities such as the new High Schools in Camden and Trenton or through renovation work such as at the Millville Senior and Orange High Schools.

Next, Mr. Da Silva advised the Committee that the third section provides an overview of the needs that still remain in SDA Districts and sets forth the Statewide Strategic Plan that would begin to address those needs. He explained that some important activity was undertaken since the Plan received Board approval in January 2020. He reiterated that the \$200 million appropriation resulted in an equal amount of funding being freed up for planning and advancement of

additional projects. He said that, therefore, during November and December of 2021, SDA planning staff met with representatives of all 31 SDA Districts and the Department of Education (DOE) to validate the needs identified in the 2019 SDA Strategic Plan.

In continuing, Mr. Da Silva reported that updated enrollment information for the past three years has been incorporated in the analysis to refresh the Authority's understanding of the needs that exist across the SDA Districts. He noted that the approach applied to the development of the Strategic Plan remains consistent with that which was utilized to develop the 2019 Plan. He said that the Authority has factored in the revised needs based upon current enrollments and the identification of some additional sites in Elizabeth, New Brunswick and Trenton to update the first tranche of projects with land readily available. He added that Districts with capacity needs have increased from 15 to 21 and there is an increased need for seats—up to 17,580 seats from the previous 17,514. He said that of those, 8,054 seats represent new capacity needs which can be addressed where land is readily available. Mr. Da Silva said that the Authority will identify a first tranche of projects for advancement to address overcrowding and identify the appropriate sites for delivery of projects to address the capacity needs.

Mr. Da Silva reported that as far as building age and condition needs go, staff has not updated that section of the Plan. He said that based upon the 2019 EFNA, there are over 50 facilities identified that have needs based upon building age and condition.

Mr. Da Silva advised the Board that the most recent state budget, FY 2022, contains \$50 million allocated to provide funding to SDA Districts to address facilities needs. He said that the Governor's current proposed budget calls for an equal appropriation in the FY 2023 budget. He added that by having that funding available in the form of grants, \$50 million is available for SDA school districts to address facilities, along with money for regular operating district grants

to all 581 school districts across the state of New Jersey. He said that distribution of the funds would be based upon a formula established in conjunction with DOE.

Next, Mr. Da Silva informed the Board that the fourth section, which is new to the presentation, is a proposed 2022 Capital Plan for SDA Districts. He said that the proposal is a recommendation for the use of the \$200 million to advance new projects/work. He reported that the SDA's current proposal is to advance three projects (in both the northern and southern regions of the state) with the available \$200 million in funding: Elizabeth – New Elementary School for approximately 1,000 students; Garfield – New Replacement Pre-Kindergarten to 5 School for approximately 700 students; and Bridgeton – an addition to Bridgeton HS for approximately 300 students.

He explained that these projects were identified for the following reasons: 1) they represent the 3 districts with the highest percentage of overcrowding across the 31 SDA Districts—that is, if the SDA were to simply utilize current 2021-22 enrollment data they would also be the districts with the highest percentage capacity need; 2) there is land readily available for construction of school facilities in these districts, i.e. Elizabeth is in the process of acquiring a former parochial school site, having received DOE approval of the acquisition; 3) the Garfield and Bridgeton projects can be accommodated on existing school sites; 4) the Garfield project will not only address capacity needs but will serve to replace an old outdated facility with a facility that will serve a larger student population; and 5) these projects represent the highest priority needs put forth by the Districts in the working group meetings held in November and December.

Mr. Da Silva informed the Board that along with approval of the 2022 Capital Plan, management is seeking authorization to expend up to \$200,000 per project to conduct the planning work needed to inform the development of project charters for Board approval.

Mr. Da Silva then concluded the presentation. He thanked Mr. Voronov and Mr. Coonahan for their excellent work in preparing the presentation and also for all of the work that they, along with the planning group and design studio, did collectively to get the SDA to this point.

Mr. Nixon said that this is exciting news and wonderful step forward for school districts that desperately need seats for their students.

Mr. Da Silva advised the Members that Governor Murphy also approved another \$150 million out of the FY 2022 budget which will go before the Joint Budget Oversight Committee for approval. He added that if the \$150 million is approved, this it will allow the SDA to advance a \$350 million 2022 Plan, up from a \$200 million Plan.

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. Vargas, the 2022 SDA Capital Plan and funding for project planning were approved with the Board's unanimous vote in favor of *Resolution 6a*.

Next, Mr. Luckie said that management is seeking approval of Change Order (CO) No. 47 for Hall Construction Company (Hall) for the Millville High School (HS) project (Project). He reported that the Project includes additions and alterations to increase the HS's capacity to 2,026 students in grades 9 through 12. He advised that the Project will increase the HS's size from approximately 200,000 square feet to approximately 375,000 square feet. He said that in May 2017, Hall was issued a notice-to-proceed (NTP) with design and construction. He informed the Members that CO No. 47, in the amount of zero dollars, would reallocate \$500,000.00 of unused, remaining allowance funds from the building envelope Acoustical Enhancement Allowance (A4) where they are no longer needed, to the General Design and Construction Allowance (A1) where work is still expected to be performed that may be in excess

of available allowance funding. Mr. Luckie explained that this CO would not increase the current, overall Guaranteed Maximum Price Reserve Allowance. He added that reallocating these funds would eliminate the need for separate COs and avoid the unnecessary and costly duplication of bond and insurance mark-ups. He reported that while the value of CO No. 47 is zero dollars, the value of the allowance funds being reallocated equals \$500,000.00. While not necessary, in keeping with the spirit of the Operating Authority and to ensure transparency, management is seeking Board approval for this change order.

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. Piaia, Change Order No. 47 for Hall Construction Company was approved with the Board's unanimous vote in favor of *Resolution 6b*.

Mr. Luckie said that management is also seeking Board approval of Credit CO No. 3 for Hall Building Corporation (HBC) for the Neptune Senior High School (HS) project (Project). He explained that SDA's work at the HS involved removal and proper disposal of approximately 6,200 square feet of mercury-containing poured polyurethane flooring in the HS's auxiliary gym and abatement of the concrete slab, followed by installation of the new certified non-mercury pad and flooring system. He said that HBC issued a NTP in July 2021 with a time and material contract for a not-to-exceed value of \$495,000 for the Project. He advised that the value of this credit CO reflects cost effectiveness in terms of the replacement flooring system selected by the district along with labor efficiencies. He added that credit CO No. 3 in the amount of \$139,000 is necessary for the de-obligation of the unused contract funds to advance contract close-out.

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. Burgos, Credit

Change Order No. 3 for Hall Building Corporation was approved with the Board's unanimous vote in favor of ***Resolution 6c.***

Next, Mr. Luckie said that the Committee is recommending Board approval of Amendment No. 6 for Epic Management, Inc. for the Orange Cleveland Street Elementary School (School) project (Project). He informed the Members that the Project includes an addition and renovations to address overcrowding and enable a change in grade alignment from Kindergarten through 7 to Pre-Kindergarten through 6. He said that in March 2019, the SDA Board approved a construction services contract award to B&C for the Project. He advised that in January 2020, B&C commenced construction services for the Project, with Epic Management, Inc. (Epic) as construction manager. He explained that in January of this year, the SDA issued a notice of termination for convenience to B&C who demobilized from the site on March 1. Mr. Luckie said that with B&C's departure, Epic assumed interim responsibility for site security services "at risk" to keep the site secure until the Authority procures a new contractor to complete the project. He advised that management is asking the Board to approve Amendment No. 6 to its contract with Epic to add the required security services, including the estimated costs, until a new general contractor is "on board" and can assume responsibility for site security.

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. Elbert, Amendment No. 6 for Epic Management Inc. was approved with the Board's unanimous vote in favor of ***Resolution 6d.***

Mr. Luckie next advised that management also discussed a proposed partial settlement of cost recovery litigation relating to the Paterson International High School project. He said that this item will be discussed in Executive Session.

Mr. Vargas said that the SDA faces many challenges so, when good things happen, it is important to take the time to acknowledge it. He expressed appreciation for the administration's confidence in the Authority and for the recognition, as reflected in the proposed Capital Plan, that SDA continues to build modern, quality schools for New Jersey's children.

Public Comments

The Chairman then opened the Public Comments portion of the meeting. He asked Minister Deborah Alston of the BITE organization to address the Board. Minister Alston referenced comments made earlier in the meeting regarding the "back and forth" between the Authority and BITE. She asked what the SDA's plan is for its land located next to the Julia A. Barnes School in Jersey City. Mr. Da Silva responded that there is no plan right now to utilize the land for a school facility. Minister Alston emphasized BITE's interest in using the land for a community garden. She said that children in the community do not know what fresh vegetables are. She stressed BITE's interest in ensuring that the children and their families remain healthy.

Mr. Da Silva assured Minister Alston that the SDA remains supportive of the community garden on the site. He emphasized the need to have the proper legal documentation in place for this to happen. He acknowledged the communication that SDA received from BITE the previous evening and advised that the Authority's Counsel's Office would be reviewing the same in an effort to come to terms.

Next, the Chairman asked Mr. Alejandro Perez to approach the podium. Mr. Perez began his remarks by stating that the SDA is not properly maintaining the land. He said that he has seen landfills in better shape. He advised the Board that BITE is interested in helping the community, stressing that food insecurity is prevalent. He asked that the Authority give the land back to BITE, noting that there was never a violent incident when it was occupied by BITE. Mr. Perez said that individuals donated their time and energy to the garden. He invited the Members and

staff to come to Jersey City to help BITE restore the garden during this season of renewal. He invited those present to show care and concern, and to help people stand tall and proud. He said that the rewards would be monumental.

In continuing, Bishop Antonio Merino addressed the Board. Mr. Perez interpreted Bishop Merino's remarks, delivered in Spanish, to English. Bishop Merino extended his greetings to all present, especially to Mr. Da Silva to whom he has spoken previously. He noted that he is a State Bishop who has represented BITE for many years. Bishop Merino advised the Board that for the past 15 years BITE has provided the continuous service of providing food to the community every Saturday. He said that this continuous feeding of people has been possible with the Governor's help. He advised that, at this time, the community is being served "democratically". Bishop Merino said that, due to unknown parties, food was deliberately destroyed in the yard but BITE continues to serve people in the street. He asked what the purpose is of leaving the property in disrepair, adding that God's children should not permit this to happen. He said that, due to the economy, BITE has had to offer much additional assistance to the community. Bishop Merino concluded by asking Mr. Da Silva, Chairman Nixon and the entire Board to take action.

The Chairman then called Ms. Nikki Baker to the podium. Ms. Baker introduced herself to the Board and staff as the new Healthy Schools Now organizer with the Work Environment Council. Mr. Da Silva advised Ms. Baker that the Authority looks forward to working with her in her new role.

Mr. Nixon then asked for a motion to adjourn the Open Session of the meeting and to move into Executive Session. He asked Ms. Kelly to announce the matters to be considered in Executive Session. Ms. Kelly said that the Board will adjourn into Executive Session to discuss two matters: 1) a proposed partial settlement and the tendering of an Offer of Judgment in Cost Recovery Litigation relating to the Paterson International High School Project; and 2) for the

Orange Cleveland Street Elementary School project, management's request for authorization to exercise extensions contained in the current lease, modify that lease to provide additional extensions and exercise those additional extensions if required. She said that the Board will vote on these matters upon its return to Open Session. Ms. Kelly requested that the Chairman present **Resolution No. 9.** for Board consideration and approval, reflecting the Members' resolve to move into Executive Session to discuss the proposed settlement.

The Chairman presented **Resolution No. 9.** for a vote. Upon motion duly made by Mr. Mr. Luckie and seconded by Mr. Burgos the Members of the Authority unanimously voted to approve **Resolution No. 9.** and thereby adjourn the Open portion of the meeting into Executive Session.

Following the Board's return to Open Session, Mr. Luckie announced that in Executive Session the Board had discussed the School Review Committee's recommendation that management approve a partial settlement and the tendering of an Offer of Judgement in Cost Recovery Litigation relating to the Paterson International High School 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. Piaia, the partial settlement and request for authorization to tender an Offer of Judgement in Cost Recovery Litigation relating to the Paterson International High School Project were approved with the Board's unanimous vote in favor of **Resolution A1.**

Mr. Vargas announced that in Executive Session the Board had discussed the Real Estate Committee's recommendation that the Board approve management's request for authorization to exercise extensions contained in the current lease, to modify that lease to provide additional extensions and to exercise those additional extensions for the Orange Cleveland Street Elementary School.

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. Luckie, the Board approved management's request for authorization to exercise existing lease extensions, modify the lease to provide additional extensions, and exercise those additional extensions for the Orange Cleveland Street Elementary School project, upon its unanimous vote in favor of *Resolution A2*.

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 April 6, 2022 meeting.

/s/ Jane F. Kelly
Assistant Secretary

ATTACHMENT A

Date March 31, 2022

Robert Nixon,
Chairman, NJ SDA Board
32 E Front Street,
Trenton, NJ 08625

Re: Letter of Apology

Dear Mr. Nixon:

Please enter this Letter of Apology into the meeting record of SDA Board for the meeting dated April 6, 2022.

Please feel free to contact me at _____ if you have any questions.

Sincerely,



Sameer Shah

Attachments: Letter of Apology.

Date March 28, 2022

Robert Nixon,
Chairman, NJ SDA Board
Post Office Box 991
Trenton, NJ 08625

Dear Mr. Nixon:

I write this letter to recant claims that I made before the SDA Board, in emails and in letters sent to Chairman Nixon, SDA leadership and others.

On April 3, 2019, and June 5, 2019, I appeared before this Board and offered public comments. In my comments, I accused SDA Vice President Jane Kelly of tempering with my personnel file. I also made other negative comments about Ms. Kelly both verbally and in writing and urged that she be disciplined.

I have determined that all the claims that I made regarding Ms. Kelly were untrue. My claims were widely reported in newspapers and online and I acknowledge that they were harmful to Ms. Kelly, both professionally and personally.

I want to set the record straight and to recant my false allegations about Ms. Kelly.

I regret my actions and apologize to Ms. Jane Kelly for the harmful and untrue claims that I made about her both verbally and in writing.

Sincerely,



Sameer Shah



3/28/2022

Giovanna Mottola
Notary Public, State of New York
No. 01MO6096252
Qualified in Queens County
Commission Expires July 28, 2023