

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY  
BOARD OF DIRECTORS MEETING  
WEDNESDAY, MAY 1, 2024**

A meeting of the Board of Directors of the New Jersey Schools Development Authority (SDA or the Authority) was held on Wednesday, May 1, 2024 at 9:00A.M. in the Joseph A. McNamara Board Room at the offices of the Authority at 32 East Front Street, Trenton, New Jersey.

Participating were:

Robert Nixon, Public Member, Chairman

Juan Burgos (EDA)

Kevin Luckie (DCA)

David Moore (Treasury)

Bernard Piaia (DOE)

Lester Lewis-Powder, Public Member

Michael Maloney, Public Member

Mario Vargas, Public Member

being a majority of the Members. Mr. Moore, Mr. Lewis-Powder and Mr. Piaia 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; Janice Venables, vice president and assistant secretary; and Albert Barnes (teleconference), chief counsel of the SDA participated in the meeting. Alexis Franklin of the Governor's Authorities Unit (GAU) also participated in the meeting by teleconference.

## ***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. Venables read the requisite notice of the meeting. Ms. Venables announced that the meeting notice had been sent to the *Trenton Times* and *Star-Ledger* at least 48 hours prior to the meeting, and was duly posted on the Secretary of State's bulletin board at 225 West State Street in Trenton, New Jersey and on the SDA Website. Ms. Venables then conducted a roll call and indicated that a majority of the Members of the Board were present.

## ***Approval of Meeting Minutes***

The Chairman presented for consideration and approval the minutes of the Board's March 6, 2024 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. Vargas and seconded by Mr. Burgos, the Open Session minutes of the March 6, 2024 SDA Board meeting were approved with the Members' unanimous vote in favor of the resolution attached hereto as ***Resolution 3a***.

## ***Authority Matters***

### ***CEO's Report***

Next, Mr. Nixon asked Mr. Da Silva for the report of the CEO. Mr. Da Silva gave an update on design-build projects in construction. He said that for the Millville High School project, the HVAC replacement is scheduled for this summer. For the Perth Amboy High School project, he reported that that punchlist work is ongoing. He advised that building IT is

operational. He noted that furniture and technology installation is ongoing. He said that enclosure activities are ongoing for the Union City New Grade 7-9 School project.

With respect for design-bid-build projects in construction, Mr. Da Silva informed the Members that for the Orange Cleveland Street project, installation of fire security, windows and other systems are ongoing. He added that boilers and air conditioners systems are underway, as well as installation of ceilings, flooring and site work.

Next, Mr. Da Silva provided an update on projects with active early site preparation. He said that for the Garfield New Elementary School project, asbestos containing material (ACM) removal and utility disconnect work is complete. He added that the demolition permit package is being assembled. For the Elizabeth New Elementary School, he advised that ACM removal has commenced in the addition. He added that the SDA is awaiting utility disconnect letters to commence demolition on the addition.

Turning to Authority events, outreach and other activities, Mr. Da Silva informed the Members that the Perth Amboy High School received a TCO from the Department of Community Affairs last month, which allowed management to do building walk-throughs with some of our SDA staff and Board Members including Mr. Nixon and Mr. Vargas. Mr. Da Silva stated that the facility is impressive, which is a testament to the hard work of the team on site and those behind the scenes as well. He noted that the school was delivered ahead of schedule. He said that it's the SDA goal to hand over the keys to the District today. He advised that Assembly Speaker Craig Couglin and Assemblywoman Yvonne Lopez also joined the building walk-through. He added that the District will be holding a ribbon cutting ceremony later this summer.

Next, Mr. Da Silva said that the SDA once again participated in the annual Take Your Child to Work Day. He said that the SDA hosted 16 children of SDA employees on April 25. He

noted that the children participated in an activity with our Design Team, toured the SDA offices, worked with their parent/relative and had an opportunity to tour the State House.

Mr. Da Silva informed the Members that he, along with Mr. Guarriello and Mr. Voronov, testified before the Assembly Budget Committee and the Senate Budget and Appropriations Committee on April 10 and April 16. He added that they provided an update on our latest operations and capital plan, as well as answered questions from legislators. He noted that on April 26, he along with Mr. Voronov and Ms. Rajski testified before the Joint Committee on the Public Schools.

Finally, Mr. Da Silva advised the Members that the Financial Disclosure Statement (FDS) filing date is May 15, 2024 for our FDS filers, and a \$50 per day late fee will be assessed against anyone not filing the FDS by May 15, 2024.

A discussion then ensued regarding questions asked at the Assembly Budget Committee and the Senate Budget and Appropriations Committee hearings.

Mr. Nixon said that the Perth Amboy High School is an amazing building and it was very impressive to be there. He added that it was great work from everyone involved in the project.

### ***School Review Committee***

The Chairman then asked Mr. Luckie to provide the report of the School Review Committee. Mr. Luckie said that the School Review Committee met on April 15, 2024 and advanced one item for Board consideration today. He reported that management is seeking Board approval Change Order (CO) No. 1, Revised Final Project Charter, a Release of Funds from the Program Reserve, and Reestablishment of Contract Value for the Newark University High School emergent project (School or Project). By way of background, Mr. Luckie said that the School built in 1957, is an approximately 149,000 square foot facility educating approximately 464 students in grades 7 through 12. He advised that through the Department of Education

(DOE) and SDA statewide effort to identify and evaluate potential emergent projects, identification of conditions at the School resulted advancement as an emergent project that includes select areas of roof replacement. He explained that the SDA determined to advance the Project through utilization of the general contractor task order (GCTO) Contract, and to require the general contractor to engage the services of a design consultant to complete needed design services. He informed the Members that in March 2023, Hall Building Corp. (Hall) was issued a notice of award for GCTO with Design to address the emergent conditions related to roof replacement, and was issued a notice-to-proceed in May 2023 for the Design phase. He said that the scope of work for this engagement includes all necessary design services and construction work, and removal of the roofing system to the existing structural deck, including all flashing and trim, as well as abatement of any hazardous materials necessary to complete the work as required based upon investigation during design. He advised that the existing roof structure and configuration would not allow for the SDA standard roof installation of drainage due to the configuration of the existing structure, and the architect was required to find an alternative roof design from the SDA Standard. He explained that the design team researched and found a roof that was acceptable to the SDA Design Studio, which adds a new roof drain to the roof area, impacting an area of the structure that has ACM. In continuing, Mr. Luckie reported that CO No. 1, in the total lump sum amount of \$225,136, is required to provide the amount equal to the differential in cost between the original contract amount. He added that it is further necessary to release the sum of \$205,136 from the SDA Program Reserve for emergent projects. He said that approval of the proposed adjusted contract price for Hall to address the Project, inclusive of CO No. 1, will total \$1,397,316. He explained that it is also now necessary to revise the Project's final charter and provide the increased funding necessary to ensure that sufficient funds exist to support completion of the Emergent Project and the reestablishment of the general construction

task order contractor's contract value.

A resolution pertaining to this matter was provided to the Board in advance of the meeting. Upon motion duly made by Mr. Burgos and seconded by Mr. Piaia, with Mr. Lewis-Powder recused, the Board approved Change Order No. 1, Final Project Charter, Release of Funds from Program Reserve and Re-Establishment of Contract Value for the Newark University High School project with its unanimous vote in favor of ***Resolution 5a***.

### ***Real Estate Committee***

At the Chairman's request, Mr. Vargas provided the report of the Real Estate Committee. He said that the Committee met on April 15 to discuss managements request for approval of awards for task order contracts for real estate appraisal services (Appraisal Services) in connection with land acquisition and potential site divestiture activities. Referencing materials that previously were provided for Board review, he reminded the Members that the SDA has been procuring Appraisal Services since 2003, noting that the current contracts will expire September 2024. He said that management is now proposing to establish a new pool of 22 real estate appraisal firms with the experience and qualifications to successfully perform the services. He explained that specific work assignments under the contracts would be made by way of task order assignments on an as needed, rotational basis. Mr. Vargas advised the Board that the proposed term of the contracts is 3 years, with each individual contract having a not-to-exceed value of \$50,000. He said that the proposed hourly rates and lump sum fees are the same as those of the current appraisal services procured in 2021. In concluding his report, Mr. Vargas advised the Board that all proposed firms have submitted the required documentation to enter into the term agreements. He noted that 11 of the 22 firms were not part of the 2021 contracts.

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, the Board

approved the recommended contract awards for real estate appraisal services upon its unanimous vote in favor of *Resolution 6a*.

### ***Public Comments***

At this time Mr. Nixon announced that the public comments portion of the Meeting will commence consistence with the New Jersey Open Public Meetings Act.

At the Chairman's request Mr. Richard L. Matthews addressed the Board. Mr. Matthews said that he is the Business Administrator for the Paterson Public School District (District). He said that he finds the SDA Board Meetings to be very informative. He added that the District received \$4.1 million and has applied the monies to three very important jobs. He said that for the School No. 3 project, the abatement process has commenced. He added that for the Eastside High School (which is one of the oldest high schools in the District), the District is replacing the cafeteria floor and the interior doors. He said that he just wanted to give the SDA an update on how the District is using the \$4.1 million and to thank the SDA.

At the Chairman's request Nikki Baker addressed the Board. Ms. Baker said that she is a representative from Healthy Schools Now. She said that she just wanted to commend the SDA on all the work they are doing and thank the SDA for all the extensive presentations which helps inform the public as to what happens here. She said that she is looking forward to the continued progress the SDA is doing. She asked that when the SDA opens a new school, if management could extend her an invitation to the ribbon cutting ceremony. Mr. Da Silva advised that when the SDA opens a new school, it's the District that handles the ribbon cutting ceremony, not the SDA.

Mr. Nixon then asked for a motion to adjourn the Open Session of the meeting into Executive Session. He asked Ms. Venables to announce the matters to be considered by the Board in Executive Session. Ms. Venables advised that, the Board will adjourn into Executive Session to

discuss a two matters: the first is a Request for Real Property Acquisition in Paterson New Jersey; and the second is a proposed Settlement of Cost Recovery Litigation relating to the Disposition of the Environmental Trust Escrow Held in Connection with the Trenton Roebling School Land Acquisition. She said that the Board will vote on these matters upon its return to Open Session.

Upon motion by Mr. Vargas and seconded by Mr. Burgos the Board unanimously voted to approve **Resolution No. 8.** and thereby adjourn the Open portion of the meeting into Executive Session.

Following the Board's return to Open Session, Mr. Vargas announced that in Executive Session the Board had discussed management's and the Real Estate Committee's recommendation for a Request for Real Property Acquisition in Paterson New Jersey.

A resolution pertaining to this matter was provided to the Board in advance of the meeting. Upon motion duly made by Mr. Luckie and seconded by Mr. Burgos the Board, approved the Request for Real Property Acquisition in Paterson New Jersey with its unanimous vote in favor of **Resolution 6b.**

Next, Mr. Vargas said that in Executive Session the Board also discussed management's and the Real Estate Committee's recommendation for a proposed Settlement of Cost Recovery Litigation relating to the Disposition of the Environmental Trust Escrow Held in Connection with the Trenton Roebling School Land Acquisition.

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. Luckie the Board, approved the proposed Settlement of Cost Recovery Litigation relating to the Disposition of the Environmental Trust Escrow Held in Connection with the Trenton Roebling School Land Acquisition with its unanimous vote in favor of **Resolution 6c.**



## *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 May 1, 2024 meeting.

*/s/ Janice Venables*  
Assistant Secretary