

STATE OF NEW YORK
CITY OF YONKERS

Minutes of
Yonkers Joint Schools Construction Board
November 2, 2022 - 4:00 P.M.

B E F O R E :

EDWIN QUEZADA, Superintendent
JOSEPH APICELLA, (Via Phone)
MARLYN ANDERSON, Secretary
REVEREND STEVE LOPEZ, Member.
RONALD MATTEN, Member
ROBERT RIOS, (Via Phone)
DR. STEPHEN GIUFFRIDA, Member

P R E S E N T :

FRANK BADALATO, Assistant Corporation
Counsel
Savin Engineers - KEVIN AUSTIN, JOE
TOLA
Landon & Rian - PAULA WILKERSON
VINCENT VOLINO, Special Counsel
KG&D Architects, RUSSELL DAVIDSON
JIM CAVANAUGH, YIDA President
JOHN LISZEWSKI, Commissioner of Finance

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MS. ANDERSON: Hello, everyone,
can everybody hear on the conference
line?

MR. APICELLA: Yes, we can hear
you, Marlyn. Let's call the meeting to
order. This is November meeting for
the Yonkers Joint Construction Board
and let's start with a role call, the
first is Mayor Mike Spano.

MR. LANDI: Represented by Anthony
Landi, Deputy Mayor.

MS. ANDERSON: Doctor Quezada.

DR. QUEZADA: Here.

MS. ANDERSON: Reverend Lopez.

REVEREND LOPEZ: Here.

MS. ANDERSON: Ronald Matten.

MR. MATTEN: Here.

MS. ANDERSON: Robert Rijos.

(Via phone.)

MS. ANDERSON: Hector Lopez. Not
present. Pastor Haskill (Ph). Not
present.

Doctor Giuffrida.

DR. GIUFFRIDA: Here.

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MS. ANDERSON: We have a quorum.
So I am going to start with_-- we have
to skip that.

The next item is the minutes.
Currently we don't have all the board
members who were present for the
September 7th meeting so we are going
to move past that and go straight into
number three on the agenda which is
Reports and Updates.

So the next is updates for the
Justice Sonia Sotomayor Community
School. We'll start with Kevin Austin
from Savin who is going to do the first
update and then it is going to be Joe
Tola and do the construction updates
first.

MR. TOLA: So thank you, everyone,
for taking the time. Its nice to be in
a room together in a long time. So we
have a Power Point presentation to show
you, the progress that has taken place
since our last meeting.

So currently you are looking at

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the concrete placement of the
foundation walls followed by the next
picture which is the foundation walls
but you actually see the concrete that
was placed. You see the form work that
has been removed as we were getting
ready to clear that area.

The next picture is waterproofing
of the foundation wall. If you
remember, Russ previously mentioned the
bathtub and all the items that we are
doing. That is basically completing
that system to prevent any groundwater
or stormwater from above going into the
building.

The next slide that you are
looking at is the compaction of the
foundation walls at the first floor.
That is basically a cafeteria area that
you are looking at, and the concrete
you are looking at is the basement of
the building.

The next one is form work,
foundation work along the 117. That is

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1 basically by the loading dock cafeteria
2 area that you are looking at.

3 The next slide is foundation work
4 along Lawrence Street closer to the
5 church. The next one is some footing
6 work for first floor piers.

7 The next one is the underground
8 electrical conduit at the first floor.
9 That is basically by the cafeteria so
10 you can see the church in front of you.
11 Similar to the next two slides, the
12 underground plumbing work, storm lines
13 being roughed in. That shows the
14 compaction taking place. That is
15 actually the cafeteria area. That's
16 some backfilling at the same area
17 around the underground plumbing pipes,
18 sanitary pipes. That is the excavation
19 along the Radford property. We have a
20 retaining wall there.

21 The next slide should be the
22 actual concrete work that was placed so
23 eventually that green silk screen fence
24 you see there, that is on the Radford

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1 property, the neighbor's property.
2 That will get shifted over back to our
3 property, and any restoration that
4 needs to be done on the Radford
5 property will be done. For example,
6 they had some, I am going to call it
7 some flat concrete walk that we were
8 required to replace on their property.

9 Continuing with the first floor,
10 that is the connector working its way
11 over to the community building. That's
12 some footing work. What you are
13 looking at now is the shoring in place,
14 the PVC pipe, the dewatering system at
15 the community building, similar shot.

16 The next one is a similar picture.
17 We got down to grade there and in the
18 next slide you will see we are starting
19 to rebuild with the structure, all
20 backfill and get them ready for
21 footings and foundation walls so that's
22 pretty much what you have in this slide
23 show.

24 Our next milestone which we are
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1 working toward is in the middle of
2 November we are going to start seeing--
3 May 14th the crane shows up. In the
4 next couple of days the steel starts.

5 REVEREND LOPEZ: You said May?

6 MR. TOLA: I am sorry, that was
7 the original date. November 14th the
8 crane shows up. We start erecting
9 steel right after that. Steel starts
10 showing up next week sometime.

11 Right now we are going through the
12 process checking the anchor bolts,
13 making sure the bearing plates are
14 grouted. We have the testing company
15 there inspecting, monitoring all that.

16 So by November 15th, 16th we
17 should start seeing steel being
18 erected. We'll start with all the
19 steel in the basement first and then
20 we'll start working our way out of the
21 ground and then we'll back up.

22 If you remember earlier, I was
23 saying the cafeteria area, loading dock
24 area, that will be the last piece of

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1 steel. That is against 117. That will
2 be erected and connecting the entire
3 building for the academic side of the
4 building. Obviously we'll come back
5 and tie in the connector to the
6 community building. That is basically
7 all masonry with steel on top so that's
8 where we are with our next milestone.

9 We had a scheduled meeting today
10 where we presented our schedule.
11 Rivero had not had an opportunity to
12 go through it, he will go through it
13 and comment on it but from Piazza's
14 schedule he is basically showing two to
15 three weeks behind showing a March
16 completion. We believe that the
17 December completion can be met and get
18 the key is to get the steel up where we
19 can make up a lot of time.

20 MR. MATTEN: That is a significant
21 difference. You said December?

22 MR. TOLA: December is what we are
23 showing and is definitely doable from
24 where we are looking at.

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1
2 MR. MATTEN: I am just saying that
3 is a significant difference.

4 MR. TOLA: It is two months.
5 Piazza is showing the beginning of
6 March and that includes the community
7 building, not just the academic
8 building.

9 MR. DAVIDSON: It is very
10 contentious. It is a big gap.

11 MR. MATTEN: What do you see it
12 after that?

13 MR. DAVIDSON: We can see it in
14 pieces, depending on what they finish.
15 We imagine we'll be, you know, getting
16 the CO for the academic building prior
17 to the community building so we can get
18 the core academic function set up first
19 but the inspections are done by the
20 local fire inspector so we have to wait
21 for a third-party. If I can just add a
22 couple of things, Joe.

23 The key milestone is the steel.
24 We had to deal with the supply chain
25 issue related to the steel columns so
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1 that was resolved and those are under
2 fabrication but there was a problem
3 obtaining four story steel columns due
4 to the supply chain issues and we had
5 to deal with that through the chain
6 process.
7

8 We are still struggling to get
9 utilities across Van Cortlandt.
10 Yonkers city streets are rich with
11 utilities and some of which no one
12 knows what they do, and I think that is
13 in the final stages right now and we
14 are still hoping to get that crossing
15 settled before the deepest part of
16 winter to get the plates off the
17 street.

18 MR. TOLA: Nancy was working with
19 the City of Yonkers. She received a
20 call today to coordinate some of that
21 work, the utility crossing work.

22 MR. DAVIDSON: It is complicated
23 and it is not that unusual but it is
24 getting there. The good news, there
25 really has been no change in the
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1 design. The drawings are holding. All
2 the exterior materials that were
3 submitted are the ones specified which
4 is a little unusual which is a good
5 thing, and we expect by the end of the
6 year we'll be able to let the board
7 know that they can see a mock-up of the
8 exterior materials including the brick,
9 metal panels, the windows, which is a
10 required step.

11 You saw the foundation and the
12 waterproofing are well under way. Soil
13 conditions basically and the water
14 table levels are pretty much exactly as
15 anticipated which is comforting.

16 We are coordinating the trades.
17 It is well under way. Everything that
18 you see is all coordinated between the
19 trades. The electricians did move a
20 lot of conduit under ground which is a
21 benefit to the owner. It had minor
22 costs to it but it gets a lot of work
23 out of the ceiling.

24 We continue to coordinate with the
25
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1 schools on security, hardware and
2 finishings. That process is ongoing,
3 and the one area that we are still sort
4 of working out design is the interior
5 of the health clinic, and again, we are
6 working with the school and their
7 vendor to finalize the build-out and
8 that's it.
9

10 MS. ANDERSON: Thank you, Russ.
11 Any questions, Robert, Joe, before we
12 move on to Kevin? Okay. So Kevin, go
13 ahead.

14 MR. AUSTIN: Thank you very much
15 for having me here. We'll direct our
16 attention to the screen, hopefully, if
17 it is not too small.

18 MR. BADALATO: These documents are
19 in the packet as well.

20 MR. AUSTIN: So either from the
21 screen or the packet we will take a
22 look at-- I am just basically taking
23 the prime contractor, the current
24 status of the financials.

25 JoDI for the demolition is a
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1 hundred percent completed so their work
2 has been a hundred percent paid out as
3 noted. Piazza, as of September 30th.
4 Again, these financials are as of
5 September 30th.
6

7 We have made five payments for six
8 million dollars to date, roughly 18
9 percent of the contract. Lombardo,
10 again, the GC is taking the heavier
11 portion so therefore we don't have a
12 lot on Lombardo for plumbing or heating
13 and electrical, so on the HVAC we are
14 definitely short as far as payments,
15 and you can see here there only has
16 been one payment to date, the reason
17 being we had issues with the MWBE
18 portion of that. They have not
19 complied with the contract
20 requirements.

21 The independent compliance officer
22 is pursuing addressing that issue with
23 the contractor. However, we are
24 backing that as the program manager to
25 insure that they actually fulfill what

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1 their contract obligations are when the
2 project and the award was made back in
3 January.
4

5 We subsequently made two more
6 payments since this date so therefore
7 they are caught up with their current
8 payment as well, so on the contingency
9 balance as noted here we have 2.3
10 million dollars still in our
11 contingency so therefore roughly five
12 percent. A little less than that is
13 still available within the contingency
14 for the construction.

15 Moving on. On the incidentals are
16 just basic monthly invoices for the
17 architect PM/CM, the ICO-Landon and
18 Rian, and we will have an update from
19 Rick with Capital Market Advisors with
20 regard to where we stand with the
21 capitalized interest. That will come
22 into play once the final bond, the
23 second issuance of the second tranch
24 is completed in the next final--
25 finalized in the next five weeks so I

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1 think December 6th is the date for
2 closing for that.
3

4 So that's our current September
5 financials. I will switch over to the
6 actual budget.

7 So this wasn't working at all when
8 we came here so I am working it off my
9 phone. On the left-hand side is the--
10 as of January 2nd when the award was
11 made was the total contract and budget
12 was for construction as well as
13 incidentals, so as of January 28th
14 going all the way down and-- I am
15 sorry, you couldn't hear us?

16 MS. ANDERSON: Go ahead.

17 MR. AUSTIN: As of January 28th
18 our budget that was presented to the
19 board based on the award was 75.6
20 million dollars. Since that time, of
21 course since January 28th we had a
22 number of adjustments with regard to
23 the budget that takes us to what the
24 final borrowing is going to be for 80
25 million dollars. Roughly that includes

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1 additional demo contractor change
2 orders of a hundred thousand. To be
3 noted there, though, is that we did
4 have credits of \$80,000 back from the
5 contractor. That contractor, that was
6 mainly due to expedited payments as
7 well as some of the allowance that was
8 originally in the bid was not used, so
9 therefore to offset some of the
10 additional costs pertaining to change
11 the orders.
12

13 MR. MATTEN: So the \$100,789 is
14 net change orders?

15 MR. AUSTIN: No, that was the
16 addition so as of January there was
17 basically \$300,000 of that 3.6 and then
18 the final was 3.7 that we previously
19 showed, so the difference is a hundred
20 thousand dollars.

21 MR. MATTEN: It is net?

22 MR. AUSTIN: Yes. Yes. My
23 apologies. Again we are not carrying
24 new costs pertaining to delay or
25 material escalation, but just as a

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1 note, we have that as a line item just
2 to show that it is not included and
3 that there is no amount for that.

4 The health suite was not part of
5 the January award bit so we are
6 carrying a budget of A\$400,000 in total
7 for that and potentially we do not have
8 an estimate as of yet for the 117
9 repairs of \$450,000. That is all on
10 the construction side.

11 On the incidental side it was
12 decided that the capitalized interest
13 would be included in the 80 million or
14 as part of the 80 million so therefore
15 since that was not carried originally I
16 added it to my budget.

17 Also we have other, you know,
18 relatively expected incidentals that
19 were adjustments since January.
20 Highlighting. There is no parking
21 included so therefore while there may
22 have been previous discussions, even
23 the appraisal that was approved by the
24 board, there is no set consideration
25

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1 for parking as it relates to site,
2 purchasing, demo, site work or any of
3 the such.

4 MR. MATTEN: I would like to go
5 back to the change orders. So there
6 was also delay claims with the change
7 orders that we are not honoring, they
8 are not showing up either, right?

9 MR. AUSTIN: Yes.

10 MR. MATTEN: Just a round number
11 on what those delay claims are.

12 MR. AUSTIN: We are going to
13 discuss that.

14 VOLINO: We'll cover that in the
15 legal update in the executive session.

16 MR. AUSTIN: Originally we had the
17 higher amount for the insurance,
18 however, we were able to reduce that by
19 \$300,000 for the builder's risk. Of
20 course we have some additional costs in
21 order to have that amount but we'll
22 discuss that when we discuss the
23 cameras, but just overall originally I
24 was carrying \$500,000 for overall
25

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1 insurance, so now we are carrying
2 \$200,000 but that reduced our budget by
3 three \$300,000.

4 We have an incidental contingency
5 of \$400,000, so again making sure, you
6 know, we don't know what the future is
7 going to hold a year from now. As you
8 move towards getting furniture,
9 equipment and other items you cannot
10 lock in prices for those items, you
11 have to wait until you get closer to
12 the actual installation date as well as
13 you do not want to install older
14 equipment necessarily, you want to wait
15 until-- and hopefully the market will
16 be in a better position too a year from
17 now when you are ready for that. So
18 ultimately that entire right-hand
19 column, activity since January that has
20 impacted the budget, we went from 75
21 million, we added four million, 4.3
22 million. That is how we arrived at the
23 borrowing of 80 million dollars, the
24 total, and that is the financial update
25

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1 of our monthly update of the
2 expenditures, what is paid to date by
3 the contractor, by the consultant, and
4 this is the budget overall for the
5 borrowing of those items.

6 DR. QUEZADA: The amount for the
7 health suite, \$400,000, is that for the
8 construction of the health suite?

9 MR. AUSTIN: I think Russ had
10 originally provided \$277,000 for the
11 completion, so some of it is part of
12 the actual bid, just the physical
13 location. There may be a few other
14 items, and then to build it out was
15 estimated a few months back at maybe
16 277, so I am carrying 400 because at
17 what point in time will you know what
18 the design is going to be, what is
19 going to be included.

20 MR. MATTEN: It is built out.

21 MR. DAVIDSON: All the mechanical
22 plumbing we kept in the base bid based
23 on our design so that is all purchased.
24 Some of that you can maybe move around
25

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1 a little bit, but the general
2 construction for the health suite
3 portion we took out because we weren't
4 confident that it met the tenant's
5 needs.
6

7 The portion of that area that
8 serves as the school nurses office is
9 in the base bid so we think this is a
10 very generous number.

11 MR. MATTEN: Will the person--
12 will the entity that is occupying the
13 health suite, will they be supplying
14 their own equipment?

15 MR. DAVIDSON: That's one of the
16 reasons we held it off and Doctor
17 Quesada's office is trying to set up a
18 meeting with the provider to create a
19 school based health clinic that meets
20 the state requirements and we need to
21 work out, you know, what the lab needs
22 before we can finalize the design,
23 issue bulletins to the contractor and
24 this will be done by the chain order
25 process.

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1 DR. QUESADA: The provider is St.
2 Joseph's.

3 DR. GIUFFRIDA: You are going to
4 white board this health center for
5 \$400,000?
6

7 MR. DAVIDSON: We are building it
8 out.

9 DR. GIUFFRIDA: Build it out. Is
10 it our responsibility or the vendors?

11 MR. DAVIDSON: Yonkers will own
12 it. They are just going to operate it,
13 not a tenant.

14 DR. QUEZADA: It will strictly be
15 a student clinic for the most part.

16 MS. ANDERSON: And the community?

17 DR. QUEZADA: I don't believe the
18 hospital is able to obtain any
19 community health clinic. The state
20 will not give them a permit. We are
21 still having those discussions but it
22 will be virtually impossible for them
23 to obtain, you know, a permit from the
24 state. However, we have experience
25 with health tenants right now and we

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1 have all the ways of servicing the
2 community when they need it.

3 REVERAND LOPEZ: We are talking
4 students as in not necessarily those
5 enrolled in the school but those of
6 student age in community.
7

8 DR. QUEZADA: For the most part.
9 Right now we have examples. For
10 instance, school 25 we have a health
11 clinic which works with both students
12 from school 25 and students from
13 Riverside High School so we are
14 basically covering that community
15 through that partnership.

16 REVEREND LOPEZ: That's
17 Montefiore, right?

18 DR. QUEZADA: That's Montefiore.

19 MR. DAVIDSON: It will have a four
20 cot infirmary, two exam rooms, two
21 counselors offices, administrative
22 area, lab room, private toilet room.
23 It is a real health clinic.

24 MS. ANDERSON: Any other questions
25 before we move down the agenda? Rick,

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1 you are on? Rick Ganci and John, are
2 you on?
3

4 I want to move down the agenda to
5 the Project Financing, Capital Markets.
6 We have Rick Ganci.

7 MR. GANCI: Just a quick update
8 from the last meeting. Just late last
9 week we received final approval to move
10 forward with the second borrowing from
11 OSD and SED (Ph), so the deal is
12 scheduled to be mailed to the market
13 today. That is scheduled for November
14 17th and closing and funding of the
15 transactions is scheduled for December
16 6th, so nothing we would expect to
17 deviate from that schedule and all
18 funds will be in place to fully fund
19 the project's expenses on December 6th.

20 MS. ANDERSON: Any questions? I
21 will move to the next agenda item of
22 Compliance on Legal Issues, so that is
23 3.3. We will talk about the annual
24 statement of financial disclosure for
25 the board members, and here I have

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1 Frank Badalato, Associate Corp. Counsel
2 to give an update.

3
4 MR. BADALATO: This update is just
5 for the board members. There is an
6 annual statement and a disclosure form.
7 It is a standard financial disclosure
8 form as the board members are required
9 to complete. It covers the period of
10 July 1, 2021 until the present. We'll
11 e-mail a PDF and like instructions to
12 the board members, so the instructions,
13 once the form is complete, we can
14 e-mail the form to Marlyn and also send
15 the original, and if there are any
16 questions, reach out to Marlyn but we
17 will mail out the forms to the board
18 members with these instructions.

19 MS. ANDERSON: I am going to send
20 those out electronically to everybody
21 so you have it. You guys have any more
22 questions?

23 I will move on to the next item on
24 the agenda which is MWBE compliance.
25 From Landon and Rian We have Paula

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1 Wilkerson. Paula, you want to give
2 updates?

3
4 MS. WILKERSON: Hi, yes. Can you
5 hear me?

6 MS. ANDERSON: Yes.

7 MS. WILKERSON: Okay. The
8 information that I am going to provide
9 is in aggregate and I will be brief.
10 The numbers are as follows:

11 I started out with projected at 13
12 percent, that is for all contractors
13 combined and we are currently at--

14 MS. ANDERSON: I just want to go
15 back a little bit. The aggregate
16 number-- start again. Go a little
17 slower. Thank you.

18 MS. WILKERSON: Can you hear me
19 better?

20 MS. ANDERSON: Yes.

21 MS. WILKERSON: Okay, here we go.
22 Right now I am I am not sure whether
23 you have on the screen the report we
24 provided for the period July 1, 2022 to
25 July 31.

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1 MS. ANDERSON: No, we don't have
2 those. Can you e-mail those to me and
3 I will distribute it to the group?

4 MS. WILKERSON: Sure. There is a
5 lag because what we are reporting on is
6 money that has been provided to the
7 contractors and then we received proof
8 from the contractors that the money had
9 actually been received by the MWBE in
10 the form of canceled checks or ETFs and
11 their request for payment as well, so
12 at the time of this report we had
13 originally the members for MWBE for
14 minority business was at 20 percent.
15 Those were the goals that were
16 established for the project for women
17 on business participation 10 percent,
18 and for overall combined, 30 percent.

19 Our contractors came in with a
20 projected combined MWBE participation
21 number of 13 percent and that's for
22 minority, and women owned business at
23 16 percent and for overall, 29 percent
24 so not far from our 30 percent goal,
25

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1 and on the date of this report the
2 actual numbers are 2 percent for
3 minority business enterprise
4 participation, 4 percent for women
5 owned business administration for A
6 combined total of six percent thus far.

7 As you know, the project has just
8 started so the numbers are low at this
9 point, and as far as the work force
10 participation is concerned, we are
11 currently at nonminority employees,
12 25.2 percent, minority employees 65.4
13 percent and female, 9.4 percent.

14 So MWBE Minority and Women Owned
15 Business Enterprise participation.

16 MS. ANDERSON: Is that it?

17 MS. WILKERSON: That is it. I
18 apologize if it was rushed.

19 MS. ANDERSON: Any questions for
20 Paula? No? Okay. Thank you, Paula.
21 We have one more legal update. We'll
22 save that for the end of the agenda.
23 We will have to go into executive
24 session so I am going to move on to the
25

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1 new business.

2 We have two resolutions before us,
3 the first resolution is Resolution
4 2022-15, authorizing an agreement with
5 OxBlue for construction camera hardware
6 and services.

7 So this resolution is approving an
8 agreement with OxBlue for construction
9 camera hardware and services in an
10 amount not to exceed \$35,880.00.

11 So OxBlue was procured as a sole
12 source because of the unique
13 combination of hardware with associated
14 services and software.

15 OxBlue is providing security
16 camera hardware and services that will
17 be used to monitor and secure the new
18 school construction site.

19 These site security measures
20 allowed for a lower rate on the
21 builders risk insurance, which is paid
22 for by the Joint School Construction
23 Board.

24 These construction site security
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1 measures are also important for
2 securing and protecting the City, the
3 construction site, including the
4 materials stored on the site and
5 preventing anything from happening on
6 the site that could delay progress or
7 result in additional cost, and for
8 protecting the public on the site that
9 could delay progress or result in
10 additional cost, and for protecting the
11 public safety as well.

12 Any questions regarding the
13 resolution? Kevin can answer those
14 questions if you have anything about
15 the security around the construction
16 site. Anybody? No? Okay.

17 Anyone like to make a motion to
18 approve resolution 2022-15.

19 DEPUTY MAYOR LANDI: So moved.

20 MS. ANDERSON: Deputy Mayor Landi
21 for Mayor Mike Spano, seconded by
22 Doctor Quesada. All in favor?

23 (A chorus of ayes.)

24 MS. ANDERSON: Any opposed? The
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1 motion has been passed, and the second
2 resolution is 2022-16, agreement with
3 PFK O'Connor Davies for Audit Services.

4 So as you know this they need to
5 complete a regular audit so this
6 resolution of course is for audit
7 services in the amount not to exceed
8 \$25,000, O'Connor Davies currently
9 provides auditing services for the City
10 and various public bodies of the City.
11 order services and various public
12 bodies of the city if you would like
13 further information, we have
14 Commissioner of Finance Liszewski to
15 provide any explanation that you would
16 need regarding the audit service.

17 DR. QUEZADA: Was there an RFP fee
18 for the services?

19 MS. ANDERSON: No, there wasn't an
20 RFP for the services. Commissioner
21 Liszewski.

22 MR. LISZEWSKI: Dr. Quezada,
23 whoever does the audits for the BOE
24 will also have to do the audit for the
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1 Joint School Construction Board because
2 they are a component unit of the Board
3 of Education so it would be covered
4 under the final year of the BOE's audit
5 contract, so there is enough money in
6 the contract to cover the \$25,000.

7 MR. MATTEN: Commissioner
8 Liszewski, I disagree we are a
9 component of the BOE. We are a
10 separate entity by state regulation. I
11 am not disputing it but I don't believe
12 we are a component of the Board of Ed.
13 We have issue authority with all bonds
14 if you look at the state regs.

15 MR. LISZEWSKI: You don't have
16 authority to issue your own bonds. The
17 bonds are issued through the IDA.

18 MR. MATTEN: We are using the IDA,
19 but if you look at the regulation we
20 are the responsible authority, not the
21 Board of Education.

22 MR. LISZEWSKI: Well, I would
23 leave that up to the legal people and
24 O'Connor Davies, I am told they are a

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1 component unit. It goes through our
2 books and the Mayor being the Chairman
3 of the Board usually dictates that you
4 would be a component unit because he is
5 the Chairman of the Board and any board
6 that the Mayor is a Chairman of, that
7 means that they are the component unit
8 of the entity.

9
10 MR. MATTEN: Well, I respectfully
11 disagree.

12 DR. QUEZADA: What are the terms
13 of this agreement with O'Connor Davies?

14 MS. ANDERSON: It is \$25,000.

15 DR. QUEZADA: What is the term,
16 from when to when?

17 MR. BADALATO: A single fiscal
18 year. The fiscal year ended June 30,
19 2022.

20 DR. QUEZADA: Okay, this past
21 year.

22 MR. BADALATO: Correct, from July
23 1 to 2021 to June 30, 2022.

24 MR. LISZEWSKI: And just to
25 further clarify, everything that

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1 happens through the Joint School
2 Construction Board, all the cash, all
3 the payments all come through the Board
4 of Education, as well as the
5 reimbursement from the state, so there
6 is a tie to the Board of Education that
7 you can't separate.

8
9 MR. BADALATO: In the proposal,
10 originally the first proposal was for a
11 calendar year as a fiscal year from
12 January 1, but after discussing with
13 them, the fiscal year of the school
14 board aligns with the City's. They
15 adjusted it.

16 MS. ANDERSON: Who can clarify
17 whether or not BOE is responsible for
18 doing this audit or--

19 MR. MATTEN: I think we can still
20 use O'Connor Davies regardless.

21 DR. QUEZADA: My question is more
22 about whether or not an RFP was
23 required or not and, you know,
24 Commissioner, I am not sure that I
25 understood.

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1 MR. LISZEWSKI: I think it covered
2 under the procurement contract that the
3 Board of Education did for the auditor
4 and that's what was determined by the
5 legal people, that this would be
6 covered under that procurement.

7
8 MR. MATTEN: I think it is the
9 same way we brought Russ on and Savin.

10 MR. VOLINO: Legislation allows
11 for essentially piggybacking off the
12 City contract.

13 MR. MATTEN: The same as we
14 brought the other consultants on.

15 MR. JACKSON: (Via Phone.) We
16 have worked with other boards that are
17 appointed and established by the state,
18 but for accounting purposes and the way
19 the rules require the auditor to look
20 at it, they require it be treated as a
21 component unit so I don't think it in
22 any way diminishes or affects the legal
23 authority under the state statute that
24 establish the board. However, for
25 accounting rules, gap rules and

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1 otherwise, there are certain rules that
2 require related entities to be treated
3 as a component unit under the city or
4 the Board of Ed.

5
6 DR. QUEZADA: So the reason I
7 asked the question because the
8 commissioner and I as well as the
9 finance team, we spent a lot of hours
10 in the past three weeks with OSC and
11 SED to result issues of importance that
12 relates with issuing the bonds and I
13 know how complex they can be, so I
14 asked the question so we don't have to
15 find ourselves meeting with them to
16 discuss \$25,000, so I have a follow-up
17 question.

18 If there is an extension of the
19 BOE contract with O'Connor Davies, does
20 the Board of Education need to act on
21 the resolution to amend the contract or
22 to extend the contract if we are
23 piggybacking on that contract?

24 MS. ANDERSON: The current
25 existing contract they have with BOE, I

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1 thought this is a new contract.

2 MR. LISZEWSKI: You know what, I
3 agree with you, Doctor Quezada, I don't
4 think we necessarily need to have an
5 additional resolution passed by the
6 board but I defer to the legal people
7 on that one.

8 MS. ANDERSON: So, Vincent.

9 MR. VOLINO: We are essentially
10 piggybacking off the services but they
11 are still doing the work for us so it
12 would be better to have a resolution
13 with them so that we are authorizing
14 them essentially to do the work even
15 though we are basically piggybacking
16 off the City's contract.

17 REVEREND LOPEZ: My thoughts
18 exactly, the authorization of the
19 spending.

20 MR. BADALATO: Are you asking the
21 Board of Ed taking any action related
22 to this?

23 DR. QUEZADA: That is my question.

24 MS. ANDERSON: John.

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1 MR. LISZEWSKI: Yes, I think that
2 the \$25,000 would be included with the
3 amount that the Board of Education
4 already authorized.

5 REVEREND LOPEZ: What you are
6 saying, Commissioner, we have \$25,000
7 that the board hasn't spent under the
8 current contract with O'Connor Davies?

9 MR. LISZEWSKI: That is correct.

10 REVEREND LOPEZ: We still need a
11 resolution to direct that money
12 somewhere else because that contract is
13 for the standard audit for the district
14 as opposed-- it doesn't hurt anybody.

15 MR. LISZEWSKI: Again, it goes
16 back to the issue that was brought up
17 before, because it is a component unit
18 of the Board of Education that Bill
19 Jackson just explained, I think we
20 would be covered under that.

21 DR. QUEZADA: I have to, you know,
22 again, Commissioner, you and I have
23 been involved in all those
24 conversations with the state. What I

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1 heard just now concerns me even more
2 because, you know, we are utilizing
3 \$25,000 that are part of the BOE's
4 consolidated budget which is approved
5 by--

6 MR. LISZEWSKI: No, it is not the
7 consolidated budget. The city pays for
8 the audit because under the IMA it is
9 under the Finance Department so it is
10 not the Board of Education, it is the
11 city that is funding it.

12 DR. QUEZADA: I withdraw my
13 question.

14 REVEREND LOPEZ: That makes sense.

15 MS. ANDERSON: To clarify it is
16 not coming out of the BOE budget.

17 DR. QUEZADA: Question withdrawn.

18 MR. LISZEWSKI: However, the
19 operating budget, we were going to
20 request the cost of the audit as well
21 as some of the other fees that are
22 associated with the Joint School
23 Construction Board because there is no
24 operating budget right now for the

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1 Joint School Construction Board so we
2 are going have to discuss during the
3 budget process for July 1st of '23 an a
4 appropriation to run the Joint School
5 Construction Board which would include,
6 as I say, the audit and the bank fees,
7 the custodial bank fees that are
8 associated with the Joint School
9 Construction Board, but for this year
10 we are able to pay for the custodial
11 bank fee out of the bond fees and the
12 audit will be paid out of the city
13 budget as part of the overall audit.

14 MS. ANDERSON: That's clear for
15 everyone, yes? All right, any other
16 questions? Any other questions in the
17 room? No other questions.

18 Anyone like to make a motion to
19 approve the resolution for audit
20 services?

21 MR. MATTEN: I make a motion.

22 MS. ANDERSON: That's Ron Matten
23 made the motion, seconded by Dr.
24 Giuffrida. All in favor?

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(A chorus of ayes.)

MS. ANDERSON: Thank you. Any opposed? The resolution was passed, so right now we are going to go into executive session so that's going to be it. Everyone can kind of get off but Joe can stay on and Robert Rios, please stay on but I think I am going to call you guys from a separate number so Robert, can you please e-mail me your number where you are at, your cell phone number where I can contact you.

Would anyone like to make a motion to go into executive session? All in favor?

(A chorus of ayes.)

(Time noted: 5:05 p.m.)

(Executive Session.)

MS. ANDERSON: We are returning from Executive Session, during which pending claims against the YJSCB were discussed.

MR. LANDI: Motion.

REVEREND LOPEZ: Second.

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MS. ANDERSON: All in favor?

(A chorus of ayes.)

MS. ANDERSON: Any opposed? This meeting is adjourned. Thank you.

CERTIFICATION

STATE OF NEW YORK)

) ss.

COUNTY OF WESTCHESTER)

I, HOWARD BRESHIN, a Court Reporter and Notary Public within and for the State of New York, do hereby certify:

That I reported the proceedings that are hereinbefore set forth, and that such transcript is a true and accurate record of said proceedings.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand.

HOWARD BRESHIN,
COURT REPORTER