

YJSCB 12/07/22 Mtg Minutes

1 STATE OF NEW YORK CITY OF YONKERS

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3 Minutes of The Yonkers Joint Schools Construction Board  
4 Meeting held in 40 South Broadway, Mayors Conference Room  
5 December 7, 2022 - 4:00 p.m.

6 -----x

7 BOARD MEMBERS PRESENT:

- 8 Deputy Mayor ANTHONY LANDI FOR MIKE SPANO, Mayor
- 9 JAMES HASSELL, Member
- 10 JOSEPH APICELLA, Member
- 11 MARLYN ANDERSON, Secretary
- 12 DR. EDWIN QUEZADA
- 13 DR. STEPHAN GIUFFRIDA
- 14 HECTOR LOPEZ
- 15 STEVE LOPEZ
- 16 ROBERT RIJOS
- 17 RONALD MATTEN

18

19 Other Attendees

- 20 ANTHONY LANDI, Deputy Mayor
- 21 SAVIN ENGINEERS (Kevin Austin, Joe Tola)
- 22 LANDON & RIAN (Stacey Beaumont)
- 23 CAPITAL MARKET ADVISORS (Rick Ganci)
- 24 VINCENT VOLINO, Special Counsel
- 25 KG&D Architects (Russell Davidson)
- 26 FRANK BADALATO, Associate Corporation Counsel

27

1  
2 00:00:00 MARLYN ANDERSON  
3 So we can start the meeting. This is the board  
4 meeting for December 7, 2022, and I'm going to  
5 start with a roll call. Mayor Mike Spano?  
6 00:00:11 ANTHONY LANDI  
7 Well he's actually, he's represented by Tony Landi,  
8 the Deputy Mayor.  
9 00:00:15 MARLYN ANDERSON  
10 Thank you. Dr. Quezada?  
11 00:00:20 DR. EDWIN QUEZADA  
12 Present.  
13 00:00:21 MARLYN ANDERSON  
14 Present, he's calling in presently. He's out, not in  
15 person. Reverend Steve Lopez?  
16 00:00:26 REV. STEVE LOPEZ  
17 Here.  
18 00:00:27 MARLYN ANDERSON  
19 Robert Rijos?  
20 00:00:29 ROBERT RIJOS  
21 Here.  
22 00:00:30 MARLYN ANDERSON  
23 Ronald Matten?  
24 00:00:31 RONALD MATTEN  
25 Here.  
26 00:00:32 MARLYN ANDERSON  
27 Hector Lopez? Pastor Hassell? Joseph Apicella?  
28 00:00:41 JOSEPH APICELLA  
29 Here.  
30 00:00:42 MARLYN ANDERSON  
31 Dr. Giuffrida?  
32 00:00:42 DR. STEPHAN GIUFFRIDA  
33 Here.  
34 00:00:43 MARLYN ANDERSON  
35 Thank you. So we have a quorum. The next item on  
36 the agenda is approval of the minutes for the  
37 November 2nd, 2022 board meeting, and we just  
38 identified, just incorrect spelling for Robert Rijos'  
39 name, which we will correct. The board meetings  
40 who can vote- the board members who can vote  
41 on the minutes is, Doctor Quezada, Reverend  
42 Lopez, Ronald Matten, Doctor Giuffrida, and the  
43 mayor, so has anyone looked at, reviewed, who  
44 wants to make a motion to accept the minutes?  
45 00:01:14 RONALD MATTEN  
46 Make a motion to accept the minutes.  
47 00:01:16 MARLYN ANDERSON  
48 That's Ronald Matten making a motion to accept,  
49 seconded by?  
50 00:01:19 ROBERT RIJOS  
51 Second.  
52 00:01:20 MARLYN ANDERSON  
53 Robert Rijos. Seconded by Robert Rijos. So those  
54 minutes have been approved. The second item on  
55 the agenda is the reports and updates for the  
56 community school, so we have here, doing the  
57 construction update, is Kevin Austin from Savin.  
58 You want to start and then we can move on to  
59 Russ updating us from KG&D. So, Kevin?  
60 00:01:42 KEVIN AUSTIN  
61 Sure. So I'm going to turn it over actually, for the  
62 construction, to Joe Tola, construction-  
63 00:01:51 JOSEPH TOLA  
64 (INAUDIBLE) Hello everybody. So, since we last  
65 met, if you remember, we showed the foundation  
66 in place. And, that's pretty much- yesterday, the  
67 day before, the steel in progress, steel is ongoing,  
68 so it's a side by side comparison. So you can see

1 what has changed in the last month. So, still  
2 moving along nicely. Uh, this is a picture of steel  
3 going up near the church. That is the, right by the  
4 connecting corridor that brings us over to the  
5 community side of the building, this is the  
6 academic side. More pictures of steel at the  
7 academic building.

8 00:02:41 JOSEPH TOLA

9 That- that's the first one, second floor, steel at the  
10 academic building. This is, right here, this is the  
11 ramp that goes down towards the kitchen area,  
12 looking from the community building in the  
13 opposite direction. Similar with the side by side of  
14 steel. That is the underground piping, electrical  
15 and plumbing that you see at the community  
16 building, that will eventually connect over to the  
17 academic building. That is backfilling, first floor,  
18 connecting harbor, near the church. That is part of  
19 that- again, connects us to the academic and  
20 community building. Another picture of the steel  
21 at the academic building closest to the church. And  
22 a nice eye shot where you can see a lot of steel,  
23 going, showing you basically the entire site.

24 00:03:58

25 As well as the decking. As well as the decking.

26 00:04:02 JOSEPH TOLA

27 Yep, as well as the decking. Up right here, you'll  
28 see decking. That was going back in.

29 00:04:10 RONALD MATTEN

30 Joe, is that (--) steel?

31 00:04:13 JOSEPH TOLA

32 Right now, no. They're in the process. They're  
33 continuing to feel most of the steel has been  
34 released from the mill, so right now there's the  
35 process of putting together any last pieces of steel  
36 for the academic building. We need to build and  
37 we know that they have it according to process  
38 scheduling, inspection to confirm. So we'll know  
39 what they have within the next couple of days. So  
40 this is at the community building. This was before

41 and what you see now. That was them just getting  
42 the excavation ready. That is a picture with the  
43 gravel in place and all the underground in place.  
44 Since then, Piazza sent us a letter late this  
45 afternoon that they made a mistake on the  
46 elevation, and they're going to correct that  
47 elevation, bring in additional material. They  
48 worked out with the plumbers so far, they're  
49 raising any pipes they think could be- underground  
50 piping that needs to be raised.

51 00:05:33

52 To low or too high?

53 00:05:35 JOSEPH TOLA

54 Uh, we're too low right now.

55 00:05:37 RONALD MATTEN

56 How does that- something like that happen?

57 00:05:42 JOSEPH TOLA

58 The secular contractor was working off of the  
59 wrong information. He read the wrong locations.

60 00:05:49 RONALD MATTEN

61 Is that going to affect any of the other trades as far  
62 as delay or claims?

63 00:05:54 JOSEPH TOLA

64 Uh, no. The one thing that it did affect was the  
65 plumbing, and, they already worked it out the  
66 plumber to extend any pipe-

67 00:06:04 RONALD MATTEN

68 Right, so we don't- there won't be any change  
69 orders.

70 00:06:08 JOSEPH TOLA

71 No, that- that was their mistake, they're dealing  
72 with that.

73 00:06:09 RONALD MATTEN

74 OK.

75 00:06:15 JOSEPH TOLA

1 Next slide. So that's them continuing to place  
2 gravel... at the community building, that's a picture  
3 of all the underground plumbing going in. Another,  
4 showing compacting and stuff (INAUDIBLE) Alright,  
5 so, any questions?

6 00:06:44 JOSEPH APICELLA

7 Joe, what about the abutting residential building,  
8 we know we had of course, that history there,  
9 (INAUDIBLE) and what have you, has the sheeting  
10 and shoring been done, are you completed with  
11 that work, or is there still concern about that?

12 00:07:00 JOSEPH TOLA

13 They're still working. You're referring to the 117  
14 residential property?

15 00:07:03 JOSEPH APICELLA

16 Right.

17 00:07:04 JOSEPH TOLA

18 Uh, KG&D, Russ can tell you what he's doing with  
19 the repairs to that. But from a construction  
20 standpoint we have four piles that are in the way,  
21 that need to be cut, so that the general contractor  
22 and the sub can continue with the foundation  
23 work along that area and then the plumber could  
24 put his gas line and stuff in. But Russ can update on  
25 what he's doing from the design side.

26 00:07:34 RUSSELL DAVIDSON

27 Yeah, so we're working with the geotechnical  
28 engineer, different structural engineer, and a  
29 specialist in soil injection. And the current plan is  
30 to inject the soil with a chemical that makes it-  
31 increases its bearing capacity, and then do what's  
32 called alternate underpinning from the interior of  
33 117. And that will give it a firm footing. So the  
34 earlier fix that was proposed was just sort of  
35 stitching the brick together and we- and along with  
36 our engineers believe that the best fix is to- we  
37 support the building from the bottom. So it's going  
38 to be costly. I think Kevin has a placeholder. In the  
39 overall project budget that seems to be adequate  
40 at this point, but we're getting pretty close to

41 having bid documents for the soil injection and  
42 underpinning. But right now the building is stable  
43 and it's supported from the inside, so the biggest  
44 impediment to the building construction, as Joe  
45 mentioned, is getting rid of these four piles. Which  
46 the general contractor at this point is saying they  
47 won't do. So, we're looking at alternative  
48 contractors to do that little bit of work so he can  
49 finish his foundations.

50 00:08:46 JOSEPH APICELLA

51 Well, that's why I brought it up. From two  
52 perspectives. One, coming out of the ground, is,  
53 are we doing all our jobs? We have issues like this.  
54 And those change orders are significant when it  
55 comes to this issue and the geotechnical and why  
56 that was interpreted or not interpreted as it should  
57 have been. Was there enough geotechnical probes  
58 taken in that area or not? All of those things are  
59 behind this, but the cost, the quantitative increase  
60 in the cost for the job, is something that's  
61 obviously a concern at this point.

62 00:09:19 RUSSELL DAVIDSON

63 Right, what's the placeholder in the budget, Kevin?

64 00:09:22 KEVIN AUSTIN

65 450,000, we've used roughly 70,000 in order to do  
66 the interior shoring, so that the building is  
67 stabilized from the day after it happened, that  
68 following weekend, we're going to get that  
69 installed. As well as the reinforcement wall on the  
70 interior on the South side so that we were able to  
71 then work with the (--) solution in order to solidify  
72 that area so that we could get the rest of our  
73 foundation out. So that's- and as well as the  
74 emergency structural engineer, who made an  
75 evaluation on behalf of the board to ensure the  
76 safety of the building, you know that there's no  
77 issues, so that being put to the side, now you're  
78 left with, you know what the design is.

79 00:10:08 RUSSELL DAVIDSON

80 Again, the thinking is that this is related to the  
81 installation of the shoring, um, the soil conditions

1 are exactly what was shown on the Geotech  
2 report. So it's not. It shouldn't have been a  
3 surprise-

4 00:10:21 JOSEPH APICELLA

5 So you're saying the shoring was not installed  
6 properly, is that what you're suggesting?

7 00:10:25 RUSSELL DAVIDSON

8 That- that's what I'm suggesting, yes.

9 00:10:26 JOSEPH APICELLA

10 Okay.

11 00:10:27 (?)

12 So how much money are we talking about?

13 00:10:31 KEVIN AUSTIN

14 \$450K is what we have as a placeholder for the  
15 repair-

16 00:10:38

17 Could've bought the building.

18 00:10:38 KEVIN AUSTIN

19 In total.

20 00:10:41 JOSEPH APICELLA

21 We could've bought the building.

22 00:10:42

23 Knocked it down.

24 00:10:43 JOSEPH APICELLA

25 Too late! Too late.

26 00:10:45

27 Yeah. Okay, thank you.

28 00:10:48 RUSSELL DAVIDSON

29 So just a couple more things on the construction  
30 update. It is exciting to see the steel going up. The,  
31 uh. So what you're seeing that photo there are  
32 four story columns. So there was a supply chain

33 issue with the long columns, and they had to be  
34 fabricated in two pieces, which was an extra cost  
35 so. There have been some supply chain issues  
36 with- related to the bigger pieces of steel on the  
37 job. But I think what's exciting to see is the four-  
38 story columns up, you can start to see the outline  
39 of the building, and how it's going to fit in with the  
40 adjacent buildings. The steel erection seems to be  
41 going fairly well. As Joe mentioned, we've had  
42 more than one problem with the foundation.  
43 Today we learned the community building's too  
44 low. There's also a good deal of concrete chopping  
45 and corrective work being done on the  
46 foundations to accommodate the steel. So some of  
47 that is normal on any project, but we're seeing a  
48 little more than we expected. We just want to  
49 make sure that that's being done correctly. We're  
50 still working with Con Ed and the city engineers to  
51 get the utilities across Van Portland. We're hoping  
52 to get that work done, but that has taken way too  
53 long to get resolved. The Portland Avenue, I think  
54 we had 10 to 15 pipes, to map and get around to  
55 get utilities across the street. So you're blessed  
56 with an old city that still functions, but you've got a  
57 lot of pipes buried in your streets. The exterior  
58 materials have all been approved, we are sort of  
59 battling some proposed substitutions at this point,  
60 and we're not sure exactly where we're going to  
61 end up with dimensional stone, but once we have  
62 a full mock up done, we'll be letting everybody  
63 know. We don't expect it's going to have a  
64 significantly different appearance than what you  
65 saw in the renderings. Waterproofing is underway,  
66 and it all looks good. What is kind of refreshing,  
67 that even though the community building was dug  
68 too low, today that excavation is dry. So while we  
69 had high water table, it's not that high. And we've  
70 had a lot of rain recently, so that bodes well for  
71 keeping the building dry. But again, that  
72 foundation is constructed as a bathtub with full  
73 waterproofing under and around it. The  
74 coordination with the rest of the trades is still  
75 going well. I would say after recent negotiations  
76 with the mechanical, electrical and plumbing  
77 contractors they seem much more cooperative. I  
78 think he'll be talking more about that. And we did

1 work with the- the school district and their health  
2 care vendor and finalize the design for the  
3 healthcare clinic, and so that sketches will be  
4 issued to the contractor shortly so that we can get  
5 that area built out at the same time the rest of the  
6 building is built out. There will be some additional  
7 costs there because that was not included in their  
8 bid, but I think we also have a pretty healthy  
9 placeholder in our budget for that as well. That's it.

10 00:14:09 MARLYN ANDERSON

11 Any questions for Russ? No? Okay, before we  
12 move on to the next agenda item, I just want to  
13 make a note for the record that we're joined by  
14 board members Hector Lopez and James Hassell.  
15 The next item on the agenda is MWBE compliance  
16 with Landon & Rian, so-

17 00:14:27 JOSEPH APICELLA

18 I'm sorry to interrupt, are we gonna go over  
19 schedule? Are we gonna look at schedule-? Our-  
20 our just immediate schedule versus projected  
21 schedule.

22 00:14:35 MARLYN ANDERSON

23 It wasn't on the agenda-

24 00:14:38 KEVIN AUSTIN

25 Well, the financial...

26 00:14:39 MARLYN ANDERSON

27 The financial- Okay, yeah.

28 00:14:40 KEVIN AUSTIN

29 00:14:44 MARLYN ANDERSON

30 Rick, are you on the phone?

31 00:14:47 RICK GANCI

32 Yeah, I'm here. Want me to give an update about  
33 bond issues?

34 00:14:50 KEVIN AUSTIN

35 (--) before we do the bond issue, I'll do the current  
36 financial for November.

37 00:14:54 MARLYN ANDERSON

38 Yeah, we-

39 00:14:55 KEVIN AUSTIN

40 And then you could do the bond issues? So- you  
41 should have a copy of... (INAUDIBLE) You should  
42 have a copy of- it's, well it's on the board, of the  
43 November 2022 financial.

44 00:15:17 MARLYN ANDERSON

45 It's also in your packet.

46 00:15:17 KEVIN AUSTIN

47 Right. So about the construction, just moving  
48 forward. JoDi, Cisco, the demo contractors, 100%  
49 closed out. As you can see, the balance to finish is  
50 0. Piazza, we've made six payments to date.  
51 Totaling, uh, \$7 million. With the balance on their  
52 contract at 79%. You see the number of the  
53 percent of change orders we have 387,000 thus far  
54 for Piazza, and most of that is with the steel and  
55 just a few other items. For Lombardo, again, we're  
56 moving forward with the underground work.  
57 We've made six payments to them, and that's  
58 moving forward. With J & M on the HVAC work,  
59 we've only made one payment as agreed upon,  
60 because on the MWBE side, they have made  
61 progress and Landon & Rian will provide an update  
62 on that, but as of today we're close to an  
63 agreement with them pertaining to getting there,  
64 or complying with the MWBE requirements as  
65 stated in the contract document, so we are not just  
66 going to pass over that. An exception was made  
67 pertaining to their good faith effort on the  
68 equipment, but of course they would have  
69 limitations there. But even after that was  
70 completed as Vincent was nicely able to work  
71 everything out pertaining to that, they still have  
72 yet to comply with MWBE. So I think we're pretty  
73 close on that. We're leaving that to Landon & Rian  
74 to provide the assistance, as they have bent over  
75 backwards to assist them, but I just think they  
76 were not prepared for what is involved in really  
77 complying with the MWBE as stated in the  
78 diversity plan and the bid documents. So again,



1 maybe, just looking toward the work, not so much  
2 toward... what it's- what it means to this  
3 community. And so we're reinforcing that and  
4 supporting Landon & Rian.

5 00:17:30

6 What are the repercussions in the event they  
7 don't, or can't?

8 00:17:33 KEVIN AUSTIN

9 Uh, in this instance it's not so much, at least from  
10 the correspondence that I requested to see, each  
11 of it. It's just the paperwork, right? You have to  
12 have your contractor's suppliers provide-

13 00:17:46(?)

14 I don't think that's what he asked

15 00:17:47

16 Is that what you asked?

17 00:17:49 KEVIN AUSTIN

18 No, no. Well they're complying- to answer, they  
19 can comply, in the sense of, it's just filling out the  
20 paperwork and they've progressed in that. But  
21 they always add one more thing like, 'oh, I didn't  
22 know I needed to do that as well', so I wouldn't.

23 00:18:03 (?)

24 OK, that's my point is. What if they don't hire  
25 MWBE? Or are unable to hire MWBE. What- what  
26 are the-

27 00:18:11 KEVIN AUSTIN

28 Well, the ones they listed are MWBE

29 00:18:13 (?)

30 OK.

31 00:18:13 KEVIN AUSTIN

32 But they have to supply the paperwork.

33 00:18:15 (?)

34 And they're- they're engaged.

35 00:18:16 KEVIN AUSTIN

36 Yes.

37 00:18:17 (?)

38 Okay. As long as they're engaged in the work, I'm...

39 00:18:19 DR. EDWIN QUEZADA (?)

40 But if they don't, then... That's a great question to  
41 get an answer to.

42 00:18:20 KEVIN AUSTIN

43 Yeah. So Landon & Rian can provide that, as well as  
44 Vincent, but currently on the diversity plan, it  
45 provides means for the board to have a hearing to  
46 then see both sides. What we've done as a project  
47 team with the Landon & Rian to address it and  
48 then have them provide the information, because  
49 we have what the bid documents were, what the  
50 letter of recommendation included, where you  
51 provided these people, what happened? You  
52 know, and we gave the concession of 2,000,000  
53 dollars on your contract, how could you not,  
54 necessarily, not just provide the paperwork? So, at  
55 that hearing, I wrote today to J & M, that if they  
56 provide the final paperwork we will have a check in  
57 hand, a wire transfer completed by next Friday.  
58 Real simple, so payment, pay apps two through six.  
59 Or two- yeah, two through six. We will ensure one  
60 week turn around on payment. Just show us the  
61 paperwork. That's it. So, we're hoping that they  
62 will comply, because, this far along, that one small  
63 contract is the really entire project. That we had to  
64 go back to the drawing board-

65 00:19:42 RONALD MATTEN

66 Is it- Is it a target with best efforts, or is it a hard  
67 number?

68 00:19:46 KEVIN AUSTIN

69 Well, in this instance it's a hard number of which  
70 they justified. However, according to- for Landon &  
71 Rian, you have to supply that information  
72 electronically into the system. So, if you do not  
73 simply take your supplier and your subcontractors,

1 and simply say, this is how many men, women,  
2 that we're using, then we have nothing to justify  
3 their compliance, which is- it's what establishes  
4 that they're complying. And this was, you know, an  
5 issue on other large projects including Rochester,  
6 where the scrutiny is, the legislation is what it is.  
7 And in order to move forward you have to back  
8 that up, because of the- we have an audit, you  
9 have to justify with well, why did you do XYZ?

10 00:20:36 RONALD MATTEN

11 And I'm just going to ask-

12 00:20:36 KEVIN AUSTIN

13 Sure.

14 00:20:37 RONALD MATTEN

15 So if- if we're over on one supplier, we're over on  
16 one subcontractor, does that make up for another  
17 subcontractor who's under? As a project  
18 aggregate?

19 00:20:47 MARLYN ANDERSON

20 Oh, like the goals.

21 00:20:47 KEVIN AUSTIN

22 Well, in this instance, it would just be good faith  
23 effort on their part, right-

24 00:20:52 MARLYN ANDERSON

25 Okay, that's a Lloyd question, and we'll get back-

26 00:20:54 KEVIN AUSTIN

27 (INAUDIBLE) Alright.

28 00:20:54 MARLYN ANDERSON

29 Let's hold off on that. Lloyd, we'll get back to you  
30 when it comes to compliance and so on-

31 00:20:58 KEVIN AUSTIN

32 Sure, sure, yeah.

33 00:20:59 MARLYN ANDERSON

34 And let's move on to project financing, and finish  
35 off the (--) Kevin?

36 00:21:03 KEVIN AUSTIN

37 Okay.

38 00:21:03 MARLYN ANDERSON

39 -we'll come back.

40 00:21:04 KEVIN AUSTIN

41 Okay, excellent, so basically that- as the total we  
42 still have 2.2 million in contingency for  
43 construction, which is, here, or new construction,  
44 that's what the NC is for. And then we've got,  
45 we're current on all of our incidental professional  
46 service fee payments that includes our  
47 independent inspectors for Tectonic. So everything  
48 is basically up to date. The Yonkers purchasing has  
49 them and the rest of the accounting team are very  
50 responsive, so we have a very good team moving  
51 forward with ensuring that, you know, it's not 45  
52 days, 90 days, that then creates an impediment to  
53 folks working, but we're moving forward quickly  
54 with whatever invoices, validation, and Marlyn  
55 with the processing and final approval for those,  
56 so. That's currently where we stand on month end,  
57 November 30th with 6.5 million still in the bank.  
58 And with that in mind, we have 6.5 in the bank,  
59 however Rick can give an update on the bond sale.  
60 That finishes off- (INAUDIBLE)

61 00:22:17 ROBERT RIJOS (?)

62 So I have a question with uh, does the contingency  
63 cover the change orders? So Piazza's at 21% done,  
64 and they're about 400,000 in. So-

65 00:22:28 KEVIN AUSTIN

66 No, that's- no actually they're at 1.1% under  
67 change orders, (--)

68 00:22:31 ROBERT RIJOS (?)

69 Right, but for- for a value of about 400,000, and  
70 only 20% done. So, can we expect additional  
71 change orders from them for the other 80% of the  
72 work?



1 00:22:43 KEVIN AUSTIN  
2 Yeah, so this is actually- 5% is what we anticipated.  
3 00:22:48 ROBERT RIJOS (?)  
4 OK.  
5 00:22:49 KEVIN AUSTIN  
6 So, that's actually a good thing because, if they did  
7 5%, we're guaranteed that the other contractors  
8 are going to do less than that. Generally- it's  
9 generally the GC, because he's carrying the bulk of  
10 the contract, and that's where the issues would be.  
11 So if he levels out at 5%, then I think we'll be good.  
12 We're doing good. But that's everyone is 5%  
13 toward the entire budget.  
14 00:23:09 ROBERT RIJOS (?)  
15 Okay.  
16 00:23:13 MARLYN ANDERSON  
17 Uh, Rick? We're going to talk about the financing  
18 now.  
19 00:23:17 RICK GANCI  
20 Hello?  
21 00:23:18 MARLYN ANDERSON  
22 Yeah, we can hear you.  
23 00:23:19 RICK GANCI  
24 Hear me good?  
25 00:23:20 MARLYN ANDERSON  
26 Yeah.  
27 00:23:21 RICK GANCI  
28 Yeah, just a quick update on the bond issue, you'll  
29 recall from the last meeting there was a slight  
30 delay in waiting for OSC approval that obviously  
31 got cleared. The bond, which is the last bond issue  
32 for the capital project, first stage was sold on  
33 November 17<sup>th</sup> and actually just closed yesterday.  
34 It was well received by the market. The interest  
35 rate for the 29 year bond was a 4.65. We've  
36 actually caught a pretty good market, as rates have  
37 declined over the last several weeks, so that  
38 certainly helped the transaction. It was well  
39 received in the sense that this transaction was 4.7  
40 times oversubscribed, meaning 4.7 times more  
41 orders to bond than we had to offer to the public.  
42 So certainly overall great result and the projects  
43 fully finance the remaining construction of the  
44 project.  
45 00:24:29 MARLYN ANDERSON  
46 Alright, do you guys have any questions? No?  
47 Okay. Thank you, Rick.  
48 00:24:36 RICK GANCI  
49 Thank you.  
50 00:24:37 MARLYN ANDERSON  
51 Alright, so I'm going to come back to, now, we're  
52 going to talk about MWBE compliance, so Lloyd?  
53 Um, you could jump in. In your packets you should  
54 have a report for them on the MWBE compliance,  
55 that was provided. The paperwork.  
56 00:24:54 STACEY BEAUMONT  
57 Uh, it's actually Stacey.  
58 00:24:55 MARLYN ANDERSON  
59 Hi!  
60 00:24:55 STACEY BEAUMONT  
61 (INAUDIBLE) -today.  
62 00:24:57 MARLYN ANDERSON  
63 Okay.  
64 00:25:00 STACEY BEAUMONT  
65 And do you want me to start with the report, or  
66 did you want to start with the questions that  
67 everybody had about the compliance (INAUDIBLE)  
68 00:25:12 MARLYN ANDERSON  
69 Yeah, report and then we can go to the questions.  
70 00:25:14 STACEY BEAUMONT

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1 The report part? Okay, all right. So currently from  
2 the last round of pay applications, our hours,  
3 workforce is at 64.6% minority workforce, and  
4 16.4% female workforce and the- and then the...  
5 Nope, I'm sorry, that was last- that was for the  
6 month of October. So the total to date, including  
7 the excavation of the site, would be 65.3% for  
8 minority workforce and 14.5 for female workforce.  
9 The minority business payments to date are a little  
10 over 2.2 billion and the women business payments  
11 to date are around 3 million. So the combined, at  
12 this point, is 5.2 million. If we go to the paperwork  
13 questions for J & M, they have been working with  
14 us. We have received a number of documents  
15 between last week and today, we're working on  
16 setting up some training with a couple of their  
17 subcontractors for the electronics compliance  
18 monitoring systems, and we have, as always,  
19 offered our assistance to, (--) back to anybody that  
20 is proving to be a little bit more difficult for them  
21 to (INAUDIBLE).

22 00:26:48 MARLYN ANDERSON

23 So what's- How would you calculate your  
24 completion rate? Like, 50% complete, 75%  
25 complete, with documents and paperwork? Where  
26 are they?

27 00:27:05 STACEY BEAUMONT

28 I'm gonna say about... about... I would say about- I  
29 would say around 50% because one whole portion  
30 of it is just contact information and that is, that  
31 probably doesn't- that didn't take them that long  
32 to complete that portion of it and some of it, to  
33 make it (INAUDIBLE) because they overlap on  
34 (INAUDIBLE) with the other subcontractors. So that  
35 makes it a little bit easier to contact people as  
36 we've been.

37 00:27:34 STEVE LOPEZ

38 I have a question. So you have these, on the  
39 bottom of this sheet you have two boxes, one says  
40 actual hours worked, the other says actual hours  
41 worked to date, correct?

42 00:27:46 STACEY BEAUMONT

43 Correct.

44 00:27:46 (?)

45 Okay, so I'm looking at female for actual for  
46 October 2022 at 16.4%, how can you go down to  
47 14.5% in actual hours worked to date?

48 00:28:01 STACEY BEAUMONT

49 Because the actual hours worked in the first box is  
50 for the month of October.

51 00:28:07 (?)

52 Uh-huh.

53 00:28:07 STACEY BEAUMONT

54 So you are looking at 545 hours against a total of  
55 22,000.

56 00:28:16 MARLYN ANDERSON

57 So those are November numbers, not to date.

58 00:28:20 STACEY BEAUMONT

59 Those are the- Those are the numbers through the  
60 end of October. That is what the work that was left  
61 from the pay applications. There's always a delay,  
62 because they can't- they can only report the hours  
63 that have been worked for that pay application.

64 00:28:37 STEVE LOPEZ

65 All right, let me rephrase this.

66 00:28:37 STACEY BEAUMONT

67 So if they're submitting a pay application in  
68 November, it's usually through the end of-

69 00:28:41 STEVE LOPEZ

70 Let me-

71 00:28:42 STACEY BEAUMONT

72 -October for the workforce.

73 00:28:43 STEVE LOPEZ

74 Let me rephrase this. October is 545 hours,  
75 correct?

1 00:28:50 STACEY BEAUMONT  
2 Correct.  
3 00:28:51 STEVE LOPEZ  
4 Okay, actual hours worked to date is 3313 hours,  
5 correct?  
6 00:28:58 STACEY BEAUMONT  
7 Correct.  
8 00:28:59 STEVE LOPEZ  
9 How can the percentage go down instead of up?  
10 00:29:03 STACEY BEAUMONT  
11 Because your 545 hours that were worked in  
12 October, your percentage is based on the 3300  
13 total that were worked in October. Your hours to  
14 date female is 3300 and that percentage is  
15 calculated based on the 22,000 hours.  
16 00:29:23 STEVE LOPEZ  
17 Got it, thanks. Just looked- looked kind of strange  
18 there, going down.  
19 00:29:27 STACEY BEAUMONT  
20 Yeah, it's-  
21 00:29:27 STEVE LOPEZ  
22 It's confusing.  
23 00:29:29  
24 Yeah, it is confusing, this chart is very confusing.  
25 00:29:31 MARLYN ANDERSON  
26 So Stacy-  
27 00:29:32 STACEY BEAUMONT  
28 Yeah, I'm sorry, especially when it's side by side. If  
29 you- Is there a different way you would like for us  
30 to present it to you?  
31 00:29:39 MARLYN ANDERSON  
32 Yeah.  
33 00:29:39 STACEY BEAUMONT  
34 We can design something different for you.  
35 00:29:42 MARLYN ANDERSON  
36 Yeah. So maybe we need to talk offline about that,  
37 you and I have a conversation-  
38 00:29:46 STACEY BEAUMONT  
39 Yeah.  
40 00:29:46 MARLYN ANDERSON  
41 -Later this week and talk about how we can clarify  
42 the report.  
43 00:29:47 STACEY BEAUMONT  
44 Thank you.  
45 00:29:50  
46 Thank you.  
47 00:29:51 MARLYN ANDERSON  
48 Yeah, we'll do that.  
49 00:29:51 STEVE LOPEZ  
50 I just, I'm- I'm easily confused, so.  
51 00:29:55 JOSEPH APICELLA  
52 No, no. It's not- it's not you, trust me.  
53 00:29:58 STACEY BEAUMONT  
54 No!  
55 00:30:00 JOSEPH APICELLA  
56 Lot of head- lot of head shaking.  
57 00:30:02 MARLYN ANDERSON  
58 So we'll work to-  
59 00:30:03 STACEY BEAUMONT  
60 Sorry.  
61 00:30:03 MARLYN ANDERSON  
62 -work on the report. And then, any other  
63 questions?

1 00:30:08 KEVIN AUSTIN  
2 00:30:09 MARLYN ANDERSON  
3 Yeah, sure.  
4 00:30:11 KEVIN AUSTIN  
5 So, very soon, we're going to go out with an RFP  
6 for commissioning agent, special commissioning  
7 agent. As noted on the screen here, the objective  
8 of this commissioning agent is to provide  
9 documented confirmation of the systems installed,  
10 the function, performance, and maintainability,  
11 design, and ten other contract documents. So  
12 basically, our HVAC system, electrical, fire alarm,  
13 you do not have your construction manager  
14 validating that it works, on startup, they're there.  
15 However, the contract documents submitted and  
16 approved and awarded in January called for a  
17 special commissioning agent to ensure that  
18 everything was being evaluated at startup and  
19 performing the way it needs to. So that RFP, as  
20 noted here we're planning on it going out in  
21 December with an award after the January  
22 meeting, or at least at the January meeting. The  
23 idea for- will be for roughly 12 months, 12 to 15  
24 months on the commissioning agent, because they  
25 will start initially with the engineer, with KG&D, in  
26 order to be able to get going as to how all that's  
27 going to take place according to the contract  
28 documents. I have a placeholder for roughly  
29 120,000 for a special commissioning agent. And a  
30 little bit of contingency for that, it all will basically  
31 depend upon how the RFP's come back, who's  
32 qualified, what their rates are. You know,  
33 sometimes the market is good, sometimes it's bad.  
34 So we're hoping that similar to our- our  
35 construction contractors and amounts coming in  
36 very good for the current market, that the same  
37 holds true for this professional service. Alright, so  
38 you'll actually receive the letter recommendation,  
39 you'll have the actual RFP response, a full review,  
40 once we actually receive those back. That should  
41 go out in the next couple of weeks. Next week or  
42 two, actually. In regards to the construction  
43 schedule question that came up, on that, Joe,  
44 would you like to...?  
45 00:32:27 RONALD MATTEN  
46 00:32:36 KEVIN AUSTIN  
47 Uh, yes. Yeah, item G, on the board. RFP's  
48 (INAUDIBLE) Again, just stating, this was all the  
49 updates since January, all the additional expenses  
50 that tie into the \$80 million. And as was noted,  
51 there's the health suite for 400,000, and the 117  
52 stabilization for 450,000. So that all, again, ties into  
53 our total of 80 million.  
54 00:33:10 ROBERT RIJOS  
55 Could you expand a little bit on what system  
56 they're validating? So typically, Con Ed will have an  
57 inspector or fire department validate the system,  
58 so how does that tie or collaborate with this  
59 solution?  
60 00:33:22 KEVIN AUSTIN  
61 Sure, Russ, would you like to elaborate?  
62 00:33:25 RUSSELL DAVIDSON  
63 Yeah, so commissioning is now a requirement in  
64 New York State Energy code where you have entire  
65 new heating systems. So, it used to be a voluntary  
66 thing that some owners would have done. It's  
67 basically a second set of eyes on the HVAC  
68 contractor as the project nears completion. As you  
69 probably know, HVAC systems are complicated  
70 today, very complicated. And again we have one  
71 with electric heat pumps, there's 20 or 30 of them  
72 on the roof here, and energy recovery, outside air.  
73 So this is a pretty complicated system. The  
74 contractor has obligations to install it correctly,  
75 test it and train the owner. Commissioning just is  
76 sort of that bridge to make sure it all works  
77 correctly and the commissioning agent will stay  
78 available to the owner after the contractor is gone,  
79 to make sure that it continues to work. They also  
80 review all the submittals and shop drawings once  
81 they come on board, again, as a second set of eyes,  
82 make sure it's meeting the design intent.

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- 1 Commissioning is not required on smaller projects,  
2 but on a new building it is required.
- 3 00:34:33 JOSEPH APICELLA (?)  
4 What's the threshold?  
5 00:34:36 RUSSELL DAVIDSON  
6 It's a certain amount of-  
7 00:34:36 JOSEPH APICELLA (?)  
8 Just trying to figure out what's happening.  
9 00:34:37 RUSSELL DAVIDSON  
10 It's a certain amount of space, I believe, but I really  
11 don't know. I just know that it's- We don't  
12 normally get involved with it, except for new  
13 construction or complete system replacements.  
14 00:34:50 JOSEPH APICELLA  
15 So this is an individual, or...  
16 00:34:53 RUSSELL DAVIDSON  
17 A firm.  
18 00:34:54 JOSEPH APICELLA  
19 It's a firm.  
20 00:34:55 RUSSELL DAVIDSON  
21 Yeah.  
22 00:34:55 JOSEPH APICELLA  
23 An engineering firm.  
24 00:34:56 RUSSELL DAVIDSON  
25 It's a different MEP engineering firm-  
26 00:34:59 JOSEPH APICELLA  
27 It's an MEP firm.  
28 00:35:00 RUSSELL DAVIDSON  
29 Yeah, almost always.  
30 00:35:01 JOSEPH APICELLA  
31 Will they also in the RFP- put together the RFP for  
32 their services, I'm just curious.  
33 00:35:06 RUSSELL DAVIDSON  
34 Well Savin did, with some input from our  
35 Mechanical Engineers.  
36 00:35:10 JOSEPH APICELLA (?)  
37 Did they include review of warranty information as  
38 well? Because that's-  
39 00:35:16 RUSSELL DAVIDSON  
40 I think that's all in there.  
41 00:35:17 JOSEPH APICELLA  
42 That's- yeah, it's all in there?  
43 00:35:20 RUSSELL DAVIDSON  
44 Yeah, I mean, it's a real value add to the owner-  
45 00:35:23 JOSEPH APICELLA  
46 Yeah.  
47 00:35:23 RUSSELL DAVIDSON  
48 And frankly we see a lot of our projects finished,  
49 and HVAC systems typically take a year or two  
50 before they function correctly, and it's pretty hard  
51 to get the contractor to respond, the  
52 commissioning agent's a nice filler for that role.  
53 00:35:43 ROBERT RIJOS  
54 So then this supports, sorry. So this supports the  
55 warranty for the contractor that'll come back and  
56 make adjustments in the system to what our guys  
57 expected.  
58 00:35:51 RUSSELL DAVIDSON  
59 That's right. That really helps the owner get the  
60 system over that first year or two, so that it's  
61 working.  
62 00:36:00 RONALD MATTEN  
63 Remember, you're dealing, you're dealing with a  
64 system that needs to be balanced, so this person

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1 will check and make sure that the amount they're  
2 seeing coming out of the register matches what  
3 the engineer had originally specified. Plus the  
4 controls which are generally a different contractor  
5 from the HVAC contractor, they've got to marry  
6 well as well, so to have- it's a benefit for the school  
7 district to have somebody come in and bless it, and  
8 say 'this works as designed' and not to have the  
9 people who designed it say that.

10 00:36:31 RUSSELL DAVIDSON

11 Yeah, exactly, Ron. And the balancing agent is yet  
12 another independent company, that is paid for  
13 through the HVAC contract. But- and the controls  
14 are the district standard controls, which is one of  
15 the things that J&M got some leniency on because  
16 they weren't able to find an MWBE that could  
17 supply the standard controls for the district.

18 00:36:56 RONALD MATTEN

19 Automated logic, here?

20 00:36:56 RUSSELL DAVIDSON

21 And over, so there's three vendors who can  
22 provide that system.

23 00:37:03 RONALD MATTEN

24 Automatic control logic, up by you, actually

25 00:37:05 (?)

26 I know we're generally- I know we're generally  
27 speaking about what they are going to do, is this  
28 anywhere in writing? Where they can really-  
29 account, for accountability purposes? (INAUDIBLE)

30 00:37:18 RUSSELL DAVIDSON

31 Yep, Yep, they're gonna get reports, manuals, and  
32 what we recommend is, all the training sessions  
33 are videotaped.

34 00:37:34 MARLYN ANDERSON

35 That's it for- Any other questions regarding the  
36 commissioning agent? So, just to let everyone- to  
37 new business which is next on the agenda, we will  
38 have to move to executive session, so we would

39 have to end the call for the people calling in on the  
40 conference line. Would any member of the board  
41 like to make a motion to enter the executive  
42 session?

43 00:37:56 DR. EDWIN QUEZADA

44 So moved.

45 00:37:56 REV. STEVE LOPEZ

46 Second.

47 00:37:58 MARLYN ANDERSON

48 Doctor Quezada, seconded by Reverend Lopez. So  
49 Doctor Quezada will be calling you back, on your  
50 private cell phone. Is she still there? Okay.

51 00:38:14

52 Have a good day everybody.

53 00:38:17

54 Take care.

55 00:38:28

56 Okay everyone. I want you to start with  
57 (INAUDIBLE) the executive session.

58 00:38:35 MARLYN ANDERSON

59 (INAUDIBLE) executive session. (INAUDIBLE)

60 00:38:37

61 00:38:41 MARLYN ANDERSON

62 So we have Dr. Quezada- so, there's a resolution in  
63 your packet, item 4.1 on the agenda, authorizing  
64 settlements for certain contractors in connection  
65 with construction of the Chester (--) School. Would  
66 anyone like to make a motion to approve the  
67 resolution?

68 00:38:58 RONALD MATTEN

69 I'll make a motion to approve the resolution.

70 00:39:00 MARLYN ANDERSON

71 Ronald Matten made a motion to approve,  
72 seconded by? Joseph Apicella. All in favor?



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- 1 00:39:05 MULTIPLE  
2 Aye, aye.  
3 00:39:07 MARLYN ANDERSON  
4 Thank you. Any opposed? So the resolution has  
5 been passed. Thank you, guys. Would anyone like-  
6 ? If there are not any more questions, we can  
7 actually adjourn the meeting. You have a question?  
8 00:39:19 ROBERT RIJOS  
9 I do have one more question, I wanted to ask  
10 earlier, but we were kind of rushing along. So.  
11 00:39:24  
12 OK, we- if it's been a concern, that matter, we may  
13 have to go back into the executive session.  
14 00:39:30  
15 Or we could adjourn (INAUDIBLE)  
16 00:39:31 ROBERT RIJOS  
17 Okay, okay. I'll ask (INAUDIBLE)  
18 00:39:35 MARLYN ANDERSON  
19 Would anyone like to make a motion to adjourn  
20 the meeting?  
21 00:39:38 JOSEPH APICELLA  
22 So moved.  
23 00:39:39 MARLYN ANDERSON  
24 Joseph Apicella, seconded by?  
25 00:39:40 HECTOR LOPEZ  
26 Hector.  
27 00:39:41 MARLYN ANDERSON  
28 Hector Lopez, all in favor?  
29 00:39:44 MULTIPLE  
30 Aye, aye.  
31 00:39:44 MARLYN ANDERSON  
32 Opposed? So this meeting has been adjourned.  
33 Thank you, Dr. Quezada!  
34 00:39:48 DR. EDWIN QUEZADA  
35 Thank you very much!  
36  
37