

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS MEETING**

WEDNESDAY, SEPTEMBER 4, 2013

A meeting of the Board of Directors of the New Jersey Schools Development Authority (“SDA” or “the Authority”) was held on Wednesday, September 4, 2013 at 9:00 AM at the offices of the Authority at One West State Street, Trenton, New Jersey.

Participating were:

Edward Walsh, Chair

Jennifer D’Autrechy (Treasury)

Maureen Hassett (NJEDA)

Kevin Luckie (NJDCA)

Bernard Piaia (NJDOE)

Michael Capelli

Kevin Egan

Karim Hutson

Loren Lemelle

Lester Lewis-Powder

Michael Maloney

Joseph McNamara

Robert Nixon

Mario Vargas

being a quorum of the Board. Ms. Hassett, Mr. Hutson, Mr. Egan, Ms. Lemelle, Mr. Lewis-Powder, Mr. Capelli, Mr. Vargas and Mr. Piaia participated in the meeting via telephone conference.

At Mr. Walsh's request, Marc Larkins, chief executive officer; Jason Ballard, chief of staff; Jane Kelly, vice president & assistant secretary; Andrew Yosha, vice president; Donald Guarriello, vice president and chief financial officer; Albert Barnes, acting chief counsel; James Adams, program director; Thomas Schrum, program director; Sean Murphy, procurement director; Gregory Voronov, program director; and Ritchard Sherman, program director, of the SDA participated in the meeting. Amy Herbold of the Governor's Authorities Unit also participated in the meeting.

The meeting was called to order by Mr. Walsh who requested that Ms. Kelly read the requisite notice of the meeting. Ms. Kelly announced that the meeting notice had been sent to the *Trenton Times* and *Star-Ledger* at least 48 hours prior to the meeting, and had been duly posted on the Secretary of State's bulletin board at the State House in Trenton, New Jersey.

Approval of Meeting Minutes

Mr. Walsh then presented for consideration and approval the Open and Executive Session Minutes of the August 7, 2013 Board Meeting. A copy of the minutes and a resolution had been provided to the Members for review in advance of the meeting. Upon motion duly made by Mr. Nixon, and seconded by Mr. Walsh, the Open and Executive Session meeting minutes of August 7, 2013 were approved by the Board upon its unanimous vote in favor of the resolutions attached hereto as *Exhibit 3a./3b.*

Authority Matters

CEO Report

Mr. Walsh then asked Mr. Larkins to provide the Members with his CEO report. Mr. Larkins said that August was a very active month for the SDA. He reported that a great amount

of work was performed over the summer months, including the emergent activity. Mr. Larkins discussed activity at the Jersey City PS 3/MS 4 facility. He said that there was a fair amount of remedial work that needed to be performed on the building, which has been occupied for a number of years. He said that the work was done in phases, noting that some of the work was performed last summer and some additional work was performed this summer. Mr. Larkins said that the work on the project is close to completion, with some punch list items remaining. He reminded the Members that this project was the subject of a lawsuit prior to his tenure where the Jersey City School District sued the SDA, but that the lawsuit was ultimately dismissed and the SDA agreed to do some of the work. He said that the SDA is now in a position to say that the work is close to completion, which is a positive outcome. Mr. Larkins noted that there was also cost recovery activity on the project undertaken by Mr. Ballard and his Cost Recovery staff and that this remains ongoing. In continuing, Mr. Larkins reported that another project of note is the Victor Mravlag Elementary School project (Victor Mravlag) in the Elizabeth School District. He reported that the SDA is working diligently to have the school open on Monday, September 9. Mr. Larkins said that inspections have been performed and he thanked Mr. Luckie and the Department of Community Affairs (DCA) for their tremendous efforts in working with the SDA with regards to the inspection process. He noted that there are some recommendations for a temporary certificate of occupancy (TCO) which relate to plumbing, electrical and mechanical. He added that the final building inspection will take place tomorrow for the fire suppression system. Mr. Larkins said that the outcome will be similar to what took place last year in Union City, which would be to obtain a TCO, with the major carve out being the gymnasium floor which may take up to two weeks to be completed. He also informed the Members that the SDA had another opportunity to visit the site last week and noted that the exterior of the building

looks great. Mr. Larkins said that the teachers should be able to enter the school in the next day or so to start setting up for classes and that he will keep the Members informed of the progress of the school opening.

Mr. Larkins further reported that SDA staff visited the Catrambone Elementary School project (Catrambone) in the Long Branch School District. He said that the contractor is making tremendous progress on the project. He said that the structure is anticipated to be enclosed by November, with substantial completion anticipated in June or earlier, depending upon the contractor's pace. Mr. Larkins noted that the school should be occupied by the start of the school year, with the potential for a full certificate of occupancy (CO) at the time of building occupancy.

Mr. Larkins then reported on public events in which the SDA has participated during the past month. He reported that SDA staff attended a Regular Operating District (ROD) event where a walkthrough was performed at the Hackettstown High School to mark the renovation of two (2) science labs. He noted that the district was finalizing the installation of new fixtures and completing the finishes in the room. He said that the labs should be open in the new school year.

In terms of project activity, Mr. Larkins reported that, last week, the SDA advertised for the final project from the list of what started out as ten (10) projects constituting the 2011 Capital Plan. He said that, in two years, the SDA has brought each of the 10 projects, with the Bridgeton project representing two projects, into advancement into construction. Mr. Larkins said that the SDA advertised for the Bridgeton design/build project last week and will be expecting proposals in the next two months.

In terms of forthcoming award activity, Mr. Larkins reported that the SDA is anticipating receipt of award proposals for the Keansburg project, which is from the list that the Board

approved in 2012. He said that bids were extended for submission by an extra week and will be due next week.

Mr. Larkins next reported that the South Street Elementary School project (South Street) in the Newark School District was advertised for early site work and bids will be received by Friday, September 6.

Mr. Larkins then provided the Members with a snapshot of the SDA's overall portfolio of projects. He began by reminding the Members that ten (10) projects were approved in the 2011 Capital Plan, along with an additional twenty (20) in 2012. Mr. Larkins said that, of those projects, one (1) is completed, which is the delivery of a new high school in West New York (WNY). Mr. Larkins reported that the SDA purchased the St. Joseph's School and turned it over to the school district. He said that the school district is working hard to open the school for the coming school year. He reported that the SDA is continuing to monitor the progress of the project. Mr. Larkins noted that this project was successful and that it is from the 2012 announcement of projects. In terms of the other thirty (30) or so projects, fourteen (14) projects are considered "active" construction projects. He explained that the projects are either in construction, that an award has been made and a notice to proceed (NTP) is pending or is in the procurement process for a construction award, similar to the Keansburg and Bridgeton projects. Mr. Larkins said that the 14 projects represent over \$500 million worth of construction awards and will ultimately provide new seats for approximately 13,000 students across the State of New Jersey. He then informed the Members that sixteen (16) of the projects are design or planning projects. Mr. Larkins reported that, although the public will not see the work that is underway, the districts will because they are intimately involved in the planning and design processes. He noted that steady progress is being made across the project portfolio---that projects are in the

ground; new projects will be opening up and will start opening up next year and continue for the next few years or so; and a number of projects will be making their way into procurement over the next few months and into next year. With regard to the next wave of projects, Mr. Larkins reported that the planning team continues to work with the school districts and the SDA anticipates adding projects to its portfolio over the next few months.

Mr. Walsh then asked Mr. Larkins to provide an update regarding the emergent projects. Mr. Larkins reminded the Members that the list of emergent projects evolved to sixty-six (66) projects. He said that thirty-seven (37) projects were delegated back to the districts. Mr. Larkins stated that the SDA is managing eighteen (18) projects this summer which either have been completed or are being completed. He noted that, in terms of completion, some of the projects will extend into the new school year. Mr. Larkins further noted that twelve (12) of those projects needed design work and will not start until next summer. He said that the larger emergent projects are the projects that needed the design work and he used Vineland's HVAC system and the Irvington roof project as examples of those larger emergent projects. Mr. Yosha added that two (2) projects are in the closeout phase. He said that six (6) are in significant stages of construction and that four (4) of the 6 projects involve boiler work that is tied to the school schedule and heating season. He said that the work will take place by way of the General Construction Task Order Services Contract (GC Task Order). Mr. Walsh asked if the GC Task Order is working. Mr. Yosha answered in the affirmative and explained the process. Mr. Walsh then inquired about the status of the Phillipsburg project. Mr. Larkins reported that the Phillipsburg project is in the final phases of constructability review. He said that the SDA is awaiting the report and will be negotiating a potential change order with the contractor. Mr. Walsh inquired as to whether the change order would be coming to the Board. Mr. Larkins

replied that, depending on the value, the change order may or may not come back to the Board. He said that the SDA is anticipating that it will not come back to the Board and that the project will move into construction. Mr. Schrum informed the Members that there is a significant working group meeting taking place today at the DI Group Architecture, LLC (DI Group) office which will also include Epic Management, Inc. (Epic). He noted that the working group is nearing the completion of the request for information (RFI) responses, which is currently at eighty percent (80%) completion. Mr. Schrum said that they are almost there and that there are a very small amount of RFIs that will require dollars. He said that it is the staff's expectation that Board approval will not be necessary. The Board then engaged in a general discussion of the project.

Audit Committee Report

The Chairman then requested that Mr. Nixon provide the report of the Audit Committee. Mr. Nixon advised the Members that the Audit Committee met on August 19, 2013. He said that management had provided the Committee with the July 2013 New Funding Allocation and Capital Plan Update. He said that management reported no change in the Unforeseen Events Reserve balance and an increase of \$11.6 million in the Planning Reserve balance. He noted that there were no changes in the 2008 or 2011 Capital Plan Emergent Projects Reserves during the reporting period. Mr. Nixon advised that the reserve balance for the Regular Operating Districts ("RODs") increased by \$500,000 during the reporting period.

Mr. Nixon reported that management had discussed with the Committee two (2) completed recommendations. He advised that the Contract Management Division has completed modification of the Records of Negotiations and Amendments Analysis forms in response to the SDA Design Consultant Amendments recommendations.

In continuing, Mr. Nixon reported that Management presented the results of three statutorily required audits regarding Section 15 Grants. He said that the audits focused on processes and procedures. Mr. Nixon said that the audits looked at documentation supporting the execution of the grants and disbursement of funds. He advised that one audit offered a recommendation regarding maintenance of invoices with which management agreed. He advised that the audits had determined that the state funds were expended in accordance with the grant agreement, applicable laws and regulations.

Mr. Nixon then reported that the Committee was provided with the July 2013 Monthly Financial Report with management advising that, as of July 2013, the Authority's operating expenditures, before allocation of employee costs to project costs, totaled \$20.3 million which is \$2.2 million lower than budget for the period. He said that this is a \$1 million decrease from the corresponding period in the prior year. He added that, as of July 2013 year to date, project expenditures, after allocation of employee costs to project costs are \$116.1 million, down \$31.8 million compared to the 2013 Capital spending forecast and \$18.5 million higher as compared to corresponding prior year period. Mr. Nixon said that the year-over-year variance is attributable to an increase in construction costs (\$16.8 million) and personnel expenses (\$8.1 million) which are now allocated to project costs and not operating expenses as in previous years. He said that this is offset by an increase in project insurance (\$4.7 million) and other project related costs (\$1.7 million). Mr. Nixon reported that, since inception, 66.8% of the funds authorized for the SDA Districts have been disbursed. He advised that 96% of all SDA disbursements relate to school facilities projects and 4% relate to program administrative and general expenses. In conclusion, Mr. Nixon said that the estimated value of current school facilities project activity is approximately \$2.2 billion. He reported that Management had also presented the 2013 Budget

Reforecast advising that the reforecasted budget is \$35.4 million which is \$1.3 million lower than the approved 2013 Annual Budget.

School Review Committee Report

1). Change Orders/Amendments – Tricon Enterprises, Inc.; 2) Grafas Painting Contractors, T/A, Inc.; 3) Silverlands Services, Inc.; 4) DI Group Architecture, LLC; 5) Planning Project Charters – Millville School District – High School Grade Level Educational Need Project; 6) Site Environmental Consultant and Environmental Site Closure Services Contract Extension (GP-0171); 7) Design-Build Award and Approval of Final Project Charter – Buckshutem Rd. ES/Quarter Mile Lane ES – Bridgeton 8) Approval of Award – General Construction Services Task Order (CP-0199-C01

Providing the report on behalf of the School Review Committee (Committee), Mr. McNamara advised the Members that the Committee met on August 19, 2013 and discussed various issues. He reported that the Committee recommends that the Board approve credit change order No. 10 to Tricon Enterprises, Inc. (Tricon) in the amount of \$138,855.08 for the Joseph C. Caruso Elementary School project (Caruso) in the Keansburg School District. Mr. McNamara explained that the change order is to facilitate close out of the contract by finalizing a credit representing the dollar value for work that was not required to be performed by Tricon. He said that, in January 2012, Tricon was issued the Notice to Proceed (NTP) to demolish two buildings (the former Joseph C. Caruso E.S. and a former VFW building on an adjacent site), to remove hazardous materials and known underground structures, and perform site restoration for the Caruso Elementary School. He said that the work was completed in June 2013. Mr. McNamara noted that, upon completion, the new Caruso school will be a 122,000 square foot facility to educate 758 students in grades K through 4.

A resolution for the approval of credit change order No. 10 to Tricon had been provided to the Members in advance of the meeting. Following discussion, upon a motion by Mr. Nixon,

and seconded by Mr. Walsh, the proposed credit change order was approved by the Board upon its unanimous vote in favor of the resolution attached hereto as *Exhibit 6a1*.

Next, Mr. McNamara reported that the Committee recommends credit change order No. 2 to Grafas Painting Contractors, T/A, Inc. (Grafas) in the amount of \$109,594.27 for the Trenton Central High School project (TCHS) in the Trenton School District. He informed the Members that, in 2009, the New Jersey Department of Education (DOE) determined that emergent conditions existed relating to various areas of the roof at TCHS. He noted that the SDA initiated an emergent project and engaged Grafas under the GC Task Order to perform work to address the emergent conditions and that a prior change order (#1) was issued due to the need for a scope change relating to a smoke vent. Mr. McNamara said that the work is now complete and that this change order (#2) would facilitate de-obligation of the funds remaining from the not-to exceed values associated with work under both the original GC Task Order and Change Order #1 to close out the contract with Grafas.

A resolution for the approval of credit change order No. 2 to Grafas had been provided to the Members in advance of the meeting. Following discussion, upon a motion by Mr. Nixon, and seconded by Mr. Vargas, the proposed credit change order was approved by the Board upon its unanimous vote in favor of the resolution attached hereto as **Exhibit 6a2**.

In continuing, Mr. McNamara reported that the Committee recommends credit change order No. 1 to Silverlands Services, Inc. (Silverlands) in the amount of \$251,530.46 for the Oliver Street Elementary School project (Oliver Street) in the Newark School District. He reported that Silverlands was issued the Notice to Proceed (NTP) on September 13, 2012 to provide demolition and site remediation services for the Oliver Street project. Mr. McNamara noted that, when delivered, the Oliver Street School will be a 129,000 square foot facility

designed to educate 827 students in grades Pre-K through 8 in the Newark Public Schools District. He said that the work was completed in June 2013 and this change order (#1) is presented for approval to facilitate the close out of SDA's contract with Silverlands by finalizing a credit for unused funds not required to complete the work.

A resolution for the approval of credit change order No. 1 to Silverlands had been provided to the Members in advance of the meeting. Following discussion, upon a motion by Mr. Nixon, and seconded by Mr. Maloney, the proposed credit change order was approved by the Board upon its unanimous vote in favor of the resolution attached hereto as **Exhibit 6a3**.

Mr. McNamara then presented for Board approval amendment No. 5 to DI Group Architecture, LLC (DI Group) in the amount of \$202,290 for the Phillipsburg High School project (Phillipsburg) in the Phillipsburg School District. He said that the Committee was informed that, in March 7, 2012, the SDA Board of Directors approved the Authority's 2012 Capital Plan, which identified the Phillipsburg project as one of the projects for advancement. Mr. McNamara noted that, when completed, Phillipsburg will be a new 330,021 square foot facility designed to educate 1,846 students in grades nine through twelve. He added that this amendment (#5) would compensate DI Group and its sub-consultant, Education Systems Planning, for the development of an IT/Security plan, for the redesign of the technology scope of work for the Phillipsburg HS and for the escalation of construction administration services costs to install the technology.

A resolution for the approval of amendment No. 5 to DI Group Architecture, LLC had been provided to the Members in advance of the meeting. Following discussion, upon a motion by Mr. Vargas, and seconded by Mr. Walsh, the proposed amendment was approved by the Board upon its unanimous vote in favor of the resolution attached hereto as **Exhibit 6a4**.

Next, Mr. McNamara reported that the Committee recommends approval of the Planning Project Charters for the Millville School District's High School Grade Level Educational Need Project. He informed the Members that, in March 2012, the Authority's 2012 Capital Plan (Plan) identified the need for validation and advancement of a Millville High School grade level project. He said that the Committee was informed that the need for the project was based upon the DOE's 2010 Educational Facility Needs Assessment ("EFNA"), which identified severe overcrowding in grades 9 through 12 in the Millville Public School District. He noted that a working group comprised of the District, SDA and DOE determined to recommend the advancement of expansions and renovations at both the existing high school and Lakeside Middle School, with the high school being converted to a middle school and the middle school being converted to a high school. Mr. McNamara further reported that completion of the projects will result in the accommodation of 2,026 students in grades 9 through 12 and 1,297 students in grades 6 through 8. He said that the estimated cost of the projects is \$108.4 million as reflected in the planning project charters being recommended to the Board for approval.

A resolution for approval of the Millville planning project charters had been provided to the Members in advance of the meeting. Following discussion, upon a motion by Mr. Maloney, and seconded by Mr. Luckie, the planning project charters were approved by the Board upon its unanimous vote in favor of the resolution attached hereto as *Exhibit 6b*.

Next, Mr. McNamara presented the Site Environmental Consultant and Environmental Site Closure Services Contract Extension for Board approval. Mr. McNamara reported that the Committee was informed that, in October 2011, the SDA Board of Directors approved the Site Environmental Consultant and Environmental Site Closure Services Task Order Contract, resulting in awards to thirteen (13) firms to provide such services to the SDA. He said that the

initial award value for each contract is a not-to-exceed amount of \$1,000,000 for an initial two-year term. He explained that the contracts, scheduled to expire in December 2013, provide for a one-year extension to the initial term at an additional not-to-exceed amount of \$500,000, with such option to be exercised at the sole discretion of the SDA. Mr. McNamara noted that as the current contract is effectively serving the needs of the Authority, and in order to ensure an orderly progression of work on existing projects, management is recommending Board approval of a one (1) year contract extension to each of thirteen (13) consultants at a not-to-exceed amount of \$500,000 for each contract.

A resolution for approval of the Site Environmental Consultant and Environmental Site Closure Services Contract Extension had been provided to the Members in advance of the meeting. Following discussion, upon a motion by Mr. Vargas, and seconded by Ms. D'Autrechy, the Site Environmental Consultant and Environmental Site Closure Services Contract Extension was approved by the Board upon its unanimous vote in favor of the resolution attached hereto as **Exhibit 6c**.

In continuing, Mr. McNamara discussed the Committee's recommendation for approval of the Design-Build Award and Approval of Final Project Charter for the Buckshutem Rd. Elementary School/Quarter Mile Lane Elementary School in the Bridgeton School District. Mr. McNamara said that the first proposed project for the Buckshutem Road Elementary School will increase the capacity of the existing facility from 404 to 581 students in grades K-8; and that the second project, the Bridgeton Quarter Mile Lane Elementary School, will increase the capacity of the existing facility from 254 students in grades K through 8 to 731 students in grades Pre-Kindergarten through 8. Mr. McNarmara said that a package for design-build services was advertised as a "price and other factors" solicitation, with price weighted as 60% of the overall

weight, and all non-price factors with a combined weight of 40%. He noted that also presented are proposed final project charters representing all expended and projected funds necessary for completion of the projects. Following Mr. McNamara's remarks, Mr. Larkins advised the Board that there may be a need to revise the resolution included in the meeting materials in this matter. He said that following announcement of the presumptive awardee, various other bidders had filed bid protests. He said that these bid protests are currently under review and that the matter has not yet been resolved. He then provided a general description of the bid protests that had been filed.

Mr. Larkins advised the Board that there are two options that the Board might wish to consider in order to advance the matter today. The first, he said, is for the Board to delegate approval to the CEO to approve the award following resolution of the bid protest matters. He said that the second option is for the Board to approve the award to the presumptive awardee subject to the resolution of bid protests not inconsistent with that outcome.

Following discussion, it was determined that the bid protest review process would continue and that the Board would approve a delegation of authority to the SDA CEO, the Chairman of the Board and the Chairman of the School Review Committee to award the contract and approve the final project charters for the projects. It was agreed that the Board will be notified following exercise of the delegated authority.

Accordingly, the resolution provided to the Members in advance of the meeting was amended consistent with the Board's direction. Specifically, the resolution, as amended, delegates to the SDA CEO, the Chairman of the Board and the Chairman of the School Review Committee the authority to 1) award the contract for design-build services and 2) approve final project charters for the Bridgeton Buckshutem Rd. Elementary School and Quarter Mile Lane

Elementary School. Upon a motion by Ms. Hassett, and seconded by Mr. Vargas, the delegations of authority were unanimously approved by the Board upon its vote in favor of the amended resolution attached hereto as **Exhibit 6d**.

Lastly, Mr. McNamara presented a memorandum regarding the recommended approval for a General Construction Services Task Order Contract (“GC Task Order Contract”). He reported that the Committee recommends that the Board approve the execution of a GC Task Order Contract with twenty-three (23) firms. He said that under the GC Task Order Contract, as proposed, only two types of work may be performed by the firms as follows: 1. certain work on emergent projects as designated by the DOE; and 2. in situations determined to constitute an “emergency” consistent with the public exigency exception to statutory public bidding requirements as determined by the SDA Division of Chief Counsel. Mr. McNamara noted that the GC Task Order has been structured so that the SDA can quickly initiate work through a pool of contractors. He said that the awarded firms are expected to perform all phases of general construction and to mobilize and commence construction in a maximum of 14 calendar days.

A resolution for approval of the GC Task Order Contract had been provided to the Members in advance of the meeting. Following discussion, upon a motion by Mr. Piaia, and seconded by Mr. Vargas, the GC Task Order Contract was approved by the Board upon its unanimous vote in favor of the resolution attached hereto as **Exhibit 6e**.

Reports

Mr. Ballard reported that audits of the demonstration projects continue to progress. He informed the Members that the Audit and Assessment team is currently auditing the New Brunswick demonstration project. He said that staff is looking to move towards the Vineland project in the next month or so and will continue auditing the remainder of the demonstration

projects prior to discussions of shared savings or potential shared savings take place. Mr. Ballard noted that all of the respective contractors have been notified that independent audits will be undertaken on each project. He said that he and Mr. Yosha will be meeting with some of those contractors within the next couple of weeks to respond to any questions that they may have.

Mr. Ballard also reported that the design consultant contract closeouts have been completed. He said that, initially, the SDA was waiting for the respective fourteen (14) firms to respond to the SDA. He noted that every firm has responded to the SDA in furtherance of a de-obligation of those funds back into the program. The Board then engaged in a discussion of issues related to the closeout of projects including a focus on when a project is deemed to be closed out and issues that may arise during and potentially post project closeout. At this time, Mr. Hutson joined the meeting.

Public Comments

The Chairman then called the Public Comments portion of the meeting to order. He requested that those members of the public who wish to address the Board please come to the podium together if appropriate and limit their comments to between three and five minutes.

Mr. Walsh noted that three members of the public have indicated an interest in speaking. He then called upon Antoinette Baskerville-Richardson to address the Board. Ms. Baskerville-Richardson introduced herself as the Chairperson of the Newark Public Schools Advisory Board (Newark Board). She indicated that she was speaking on behalf of the nine Newark Board members. She then circulated a letter and resolution to the Members wherein the Newark Board expresses its opposition to proposed changes to certain State Department of Education (DOE)

regulations pertaining to emergent projects. She then read the following statement, which she had circulated to the SDA Board in letter form, into the record.

“On August 27, 2013, at the regular monthly meeting of the Newark Board of Education, the board unanimously passed the attached resolution which opposes proposed changes in State regulations, re-categorization of current emergent projects, and removal of the language “emergent” from the classification of such projects. The term “emergent” currently refers to projects that are in urgent need of immediate remedy. The resolution was presented by board member Rashon Hasan who chairs the board’s Finance/Operations committee.

This resolution is not just a matter of semantics. Many of the schools in Newark are crumbling, and too many have been in disrepair for decades. The processes procedures and procedures in place for approving and funding repairs, particularly in the former Abbott districts already troubling, and the effect of the proposed language can prove to be even more catastrophic to the prospects of making urgently needed repairs to crumbling schools. On behalf of the Newark school board, and with the support of State District Cami Anderson, I urge this Board (SDA) to not only refrain from making the proposed changes in the language and categorization of emergent projects, but to stand up for the children of Newark and other similar districts and doing everything in your power to move forward not only on emergent projects, but on the long overdue construction of new schools.”

Ms. Baskerville-Richardson then highlighted for the Board various provisions of the Newark Board resolution she had presented for consideration. She concluded by urging that all districts pass resolutions similar to the Newark resolution which, she noted, was passed unanimously by the Newark Board.

Mr. Larkins advised the Board that the regulations that were the subject of Ms. Baskerville-Richardson's remarks are DOE, not SDA, regulations. He also noted that Newark's emergent projects have all been delegated to the district with the result that the timing of project advancement is within Newark's control.

Mr. Walsh then asked Linda Reid to address the Board. In her remarks, Ms. Reid, a member of the Paterson Education Organizing Committee (PEOC), invited the Members to a Rally in to be held in Paterson commemorating the ten (10) years that have elapsed at the Marshall Street School site with no progress. She noted that she saw the press release that was issued regarding the Marshall Street School, adding that the people in Paterson realize that this is an election year and that they are not stupid. She stated that, since 2003, there have been issues with the project and no progress with building the promised school. She noted that School No. 9 is overcrowded and that the new Marshall Street School would help alleviate this problem. She said that the parents and students are stressed by the conditions in their district. She noted that there was talk of work at the site beginning in the fall, adding that she goes by the site daily only to see trash accumulating in the fenced-in area. She asked the Board to please help the children by building this school. Mr. Walsh said that the school is in the constructability review phase now. He asked if the SDA is in contact with the district. Mr. Schrum replied that the SDA has been in contact with the district regarding the Marshall Street School and then gave details pertaining to the project. Mr. Walsh noted that the purpose of the constructability review is to make sure that once the project has broken ground the building process continues as expeditiously as possible with no delays.

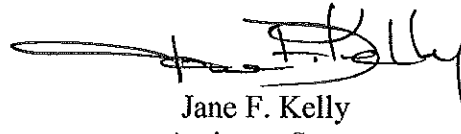
Mr. Walsh then asked Moriah Kinberg to address the Board. Ms. Kinberg advised the Board that she represents the New Jersey Work Environment Council (NJWEC) and serves as

the coordinator for the Healthy Schools Campaign. She advised the Board that on June 26, 2013 she had delivered a letter signed by forty-two (42) organizations to Governor Christie asking that all emergent conditions be addressed prior to students returning to school in the fall and that the Governor make health and safety for students and staff a priority. She noted that while there has been no response from the Governor to the letter, the organization did receive a response from Marc Larkins. Ms. Kinberg thanked Mr. Larkins for his letter. She noted that the letter was sent to three (3) other state agencies with no responses to date. Ms. Kinberg reported that Mr. Larkins' letter had highlighted four areas in which the SDA had accepted suggestions offered by the NJWEC. She said that one of the suggestions, the provision of updates to the public on emergent repairs, was incorporated onto the SDA website. She stated that updates were provided on the site in February and June and that she was looking forward to reading to the third quarter updates when published. She noted that many emergent projects have been delegated back to the districts and requested that the status of these delegated projects be included on the SDA website report as well. Mr. Walsh asked if Ms. Kinberg had requested updates directly from the districts. She replied that she has requested information but that, to-date, she has not received any information from the districts that she has contacted. She then discussed shortening the process for completing emergent projects in compliance with current laws. She advised that she would like to continue a dialogue with the SDA, elected officials and community groups regarding the possibility of shortening the process for completing emergent projects. She said that students and staff returning to school over the next few weeks will be returning to dilapidated buildings. She referenced Trenton Central High School in this regard along with other districts with poor facility conditions. Ms. Kinberg stated that there is a lot of work to do and that she looks forward to working with the SDA. She added that the NJWEC

also opposes the regulatory changes that the DOE has proposed. She asked that the SDA also oppose the DOE regulatory changes in light of all the new processes and procedures that have been put in place at SDA to expedite emergent conditions. Ms. Kinberg then thanked the Board for their time.

Mr. Walsh asked if there were any other members of the public present who wished to address the Board. Hearing none, Mr. Walsh then asked for a motion to adjourn the meeting. Upon motion 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 September 4, 2013 meeting.

A handwritten signature in black ink, appearing to read 'J. Kelly', with a long horizontal flourish extending to the left.

Jane F. Kelly
Assistant Secretary