

# JSCB

## Joint Schools Construction Board www.jscb.us

### Members:

Hon. Matthew J. Driscoll, Chair  
Mayor  
City of Syracuse

Daniel G. Lowengard  
Superintendent of Schools  
Syracuse City School District

Hon. Calvin Corriders, Treasurer  
Commissioner  
Board of Education

Dr. Ruben P. Cowart  
President and CEO  
Syracuse Community Health Center

Hon. Ned Deuel  
President  
Board of Education

Hon. Bea González  
President  
Syracuse Common Council

Hon. Laurie Menkin  
Commissioner  
Board of Education

Kenneth Mokrzycki  
Director of Administration  
City of Syracuse

Hon. Van B. Robinson  
Councilor  
City of Syracuse

Hon. William M. Ryan  
Councilor  
City of Syracuse

### Secretary to the Board:

Christine M. Fix  
Director of Intergovernmental Affairs  
City of Syracuse

### Advisory Staff:

Joseph W. Barry, III, Esq.  
Senior Assistant Corporation Counsel  
City of Syracuse

Nicholas DiBello  
Assistant to the Superintendent  
For Facilities and Construction  
Syracuse City School District

Bill Owens  
Contract Compliance Officer  
City of Syracuse

Mary Robison, P.E.  
City Engineer  
City of Syracuse

Brian Roulin  
Commissioner of Finance  
City of Syracuse

Joseph Rufo  
Chief Financial Officer  
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### MEETING MINUTES FOR 6/7/07

**Board Members present:** Mayor Driscoll, Superintendent Dan Lowengard, Calvin Corriders, Dr. Ruben Cowart, Ned Deuel, Bea Gonzalez, Laurie Menkin, Ken Mokrzycki

**Board Members absent:** Van Robinson, Bill Ryan

Meeting minutes from 5/31/07 were accepted and put into the record.

The Secretary informed the Board that she had spoken with John Traylor of the Office of the State Comptroller to update them on the progress made to date. The Secretary will be setting up a conference call with the JSCB Fiscal Team and OSC, once the First Albany Capital Contract is finalized, to discuss the next steps in preparing the JSCB Financial Plan.

The Board was informed that the Fiscal Team was finalizing their negotiations with First Albany Capital to serve as the Bond Underwriter. A contract will be finalized for the next Board meeting.

Letters of introduction from Harris Beach, PLLC (dated May 31, 2007) and Syracuse Alliance for a New Economy (SANE, dated June 6, 2007) were distributed to the Board.

Bill Owens prepared a chart that compared the JSCB Diversity Plan with the City of Syracuse's M/WBE Participation Program and New York State (EFC) Article 15A.

The Program Manager Proposals were received and logged in the Division of Purchase on May 31, 2007. The Advisory Staff outlined a timeline for the review of the proposals as follows

- a. Distribution of Proposals: June 8, 2007
- b. Board Members Individual Review: June 8 – 24, 2007
- c. RFP Workshop: June 27 and 28, 2007, 8:30 am – 6:00 pm
- d. Selection of short list: June 28, 2007:
- e. Scheduling of interviews: before July 12, 2007

A motion to go into Executive Session was made by Board of Education President Ned Deuel for the purpose of reviewing legal counsel regarding experience and financial arrangements. The motion was seconded by Council President Bea Gonzales and was voted on by the Board. The Board then adjourned to Executive Session.

The Board Members returned to the regular meeting and began discussing Resolution #12 of 2007. Commissioner Menkin suggested amending the resolution in the third paragraph to read:

“Whereas, the Corporation Counsel of the City of Syracuse has recommended that special counsel be retained to assist the JSCB with the drafting and negotiation of project contracts and any subsequent project contract litigation for the Project and the Corporation Counsel, acting pursuant to his authority under Section 1102 (2) (a) of the City Charter, has retained Carter H. Strickland, Esq. of the law firm of Mackenzie Hughes, LLP to perform said project contract related legal services for the JSCB;”

Commissioner Corriders suggested amending the resolution to clarify that this funding was for Phase 1 of the project only. Both amendments were adopted by motion by the Board.

A motion to accept resolution #12 as amended was made by Board of Education President Ned Deuel and seconded by Dr. Ruben Cowart. Discussion was as follows:

Commissioner Corriders said, “I want to go on record that I’m not pleased with the process and only the process. If funds are going to come from the bonds, that this body should have a say in who is being retained. I understand what the Charter may say but in a case like this it wouldn’t have caused any harm at all to have members of this body or the complete body in the discussion in the recommendation. This process would have gone much smoother, we would have saved days worth of time and there wouldn’t be a sense of, there wouldn’t be disharmony. I certainly want to go on record as saying that. I think sometimes we want to be right, I’d rather win than be right. And this is a situation of wanting to be right.”

Commissioner Menkin said, “I support Calvin’s concern. I’ve had it from the very beginning and I believe Councilor Ryan as well. I think process is important and I think it’s important that we maintain process. If we have to develop something new to address an issue or a contract that we may be entering into in the future than I would recommend that at least 3 members of the JSCB Board be a part of any recommended changes for procedures requiring any further assistance by the Board.”

Dr. Ruben Cowart said, “Can we have the record to reflect that the Board, unless there are some people that disagree, that I concur with the comments made by our colleagues and that we go on record that we devise a means for it.”

Council President Gonzales said, “My thoughts are that I agree the process has been an issue for us but more important than that, we are all involved in something new to all of us so each time we are at a decision point we need to be very clear about how we are going to arrive at the end point of that decision. And if we do that at each step of the way, we will not have another conversation like the one we just had.”

Superintendent Lowengard said, “If I could go a step further I’d like staff to recommend a process for hiring people that are outside the RFP and that one of the steps of the process would be involving three members of the Board. So if they could give us that and we could then debate whether we want to use it and in what instances. But it seems to me that’s where it falls into place.”

Joe Barry said, "Just to clarify for the record, I think legal services are the only category that fall outside of the RFP process that you've adopted."

Superintendent Lowengard said, "But I go back to the B.A.I.L. thing, I'm not positive. So if you just develop a process and we may still need another legal counsel. So let's develop the process so we don't go down this road again. The process would be for any service outside the RFP, that would include three Board members as an advisory group. Any other comments"

Commissioner Corriders said, "I had stated I was not going to support this. Again, I want to do the right thing, I will. But we cannot have this happen again. So I want to go on record, my initial reaction I was not going to support this."

The Secretary then called the roll and the motion passed 7-0-2.

The meeting was adjourned. Next Board meeting will be held on June 14, 2007 from 8:30 am to 10:30 am in the SyraStat room in City Hall.

***Board minutes prepared by Christine M. Fix, JSCB Secretary. A complete audio recording is available upon request.***