

MINUTES OF THE JANUARY 9, 2008 MEETING OF  
THE NATHANIEL WITHERELL TOWN BUILDING COMMITTEE

A meeting of the members of The Nathaniel Witherell Building Committee was held in the conference room at Nathaniel Witherell at 9:00 a.m. on January 9, 2008.

Present were:

Voting Members: Dik Glass, Paul Toretta, Jeremy Kaye, Lloyd Bankson, Leslie Tarkington, Peter Arturi, Christopher Lacey and Stephen Soler.

Non-voting Members: William Kowalewski, Thomas Saccardi, Jonathan Shankman, Lin Lavery and Frederic H. Brooks.

Guests: Ray Augustine, Ken Henderson, Jack Hornak and Ashley DeMain.

Mr. Glass commenced the meeting by asking whether the minutes of the December 19, 2007 meeting were reviewed by all and were approved. Upon motion duly made and seconded the minutes were approved.

Mr. Glass then reported that there is a meeting at 10:00 today for informational purposes for architect's interested in the Project.

Mr. Lacey reported that he had no news from the Town Legal Department on the Construction Manager's contract but that he would try to get in touch with them.

Lin Lavery was introduced. Ms. Lavery is a new selectman in Town and will be the new representative on the Committee in place of Penny Monahan who is no longer serving as a selectman. She gave a description of her background.

Mr. Glass and Mr. Kowalewski reported that there are 32 architectural firms who have expressed interest in the Project. The meeting today with the architects is intended to give a brief description of the project, tour the facility and answer any questions. The Purchasing Department of the Town is conducting the meeting.

Mr. Toretta indicated that it is very important for whoever is taking the architects on the tour to simply show the building and not to make any commentary on what might be desired for the building.

Mr. Henderson then asked whether verbal statements to the architects are binding. Mr. Glass responded that the Connecticut courts have stated that in a public open bidding process, verbal statements are not binding.

Discussion then ensued as to how to respond to requests for information. Questions from architects are due by January 16, 2008. Mr. Lacey indicated that he thinks that the Committee can wait until the meeting on January 23, 2008 to confirm responses to questions. Mr. Glass indicated that he and Mr. Kowalewski will draft responses to questions received for review.

Mr. Brooks asked where the issue regarding the potential BET requirement that an owner's representative be used stands. Ms. Tarkington advised that she believes that this issue will be addressed by the BET at its January meeting. Mr. Brooks said that there are two issues which should be considered by the BET with respect to this Building Committee's work when it comes to this issue. First is the delay to the Project which will occur by having to engage an owner's representative. Second is the additional cost to the Project. Mr. Brooks suggested that the Committee consider sending a letter to the BET expressing the Committee's concerns. Mr. Glass said that he would encourage any member who wanted to send a letter to the BET to do so. Mr. Glass felt, however, that the Committee should not undertake to send such a letter, since at the November 30, 2007 meeting of the Committee, the Committee previously discussed and voted on a motion not to engage the services of an owner's representative and that vote was 8-1 in favor of the motion, a vote was taken. This vote has been set forth in the minutes of the Committee's November 30, 2007 meeting and recorded by the Committee stating the Committee's position on this issue and the minutes are on file in the Town Clerk's Office results of that are public.

Ms. Tarkington then reported that she had made inquiry into the cost of the owner's representative for the safety complex and found that the cost has been \$600,000 over a three year period with two full time people.

The use of an owner's representative is not in the charter for the Committee and it will need to be determined who such a person would report to, if one needs to be engaged.

Mr. Saccardi stated that he felt the BET is issuing a concern as to risk aversion by suggesting that an owner's representative be utilized, but has not looked at the protections offered by the CM/Architect relationship the Committee is utilizing. This form of partnership has not been used by the Town.

Mr. Bankson asked that the Committee approve the payment of invoices on the January 3, 2008 statement which total \$1,239.90. The payment was approved.

Mr. Bankson moved and Mr. Lacey seconded a motion that the Committee not have to vote on paying invoices under \$1,000, provided that they are part of a budget line item already approved of.

The next meeting of the Committee will be on January 23, 2008.

The meeting was adjourned at 10:00 a.m.

*"Disclaimer: These notes were taken at the meeting of January 9, 2008. If there are any changes to be made please email within 48 hours of this submission for revision, otherwise these minutes become record of all events as of the issuing date."*

Respectfully Submitted,

Jeremy Kaye  
Committee Clerk