

MINUTES OF THE JUNE 18, 2008 MEETING OF  
THE NATHANIEL WITHERELL TOWN BUILDING COMMITTEE

The twenty-first meeting of the members of The Nathaniel Witherell Building Committee was held in the conference room at Nathaniel Witherell at 8:00 a.m. on June 18, 2008.

Present were:

Voting Members: Dik Glass, Jeremy Kaye, Peter Arturi, Leslie Tarkington, Andy Fox, Stephen Soler, Christopher Lacey(via telephone) and Lloyd Bankson (via telephone).

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

Guests: David Ormsby, Jack Hornak, Ray Augustine, and Ashley DeMain.

Mr. Glass asked whether the minutes of the May 7, 2008 meeting were reviewed by all and were approved. Upon motion duly made and seconded the minutes were approved.

Mr. Glass reported that the Architect Selection Task Force has not met for about a month. JCJ, BL and SLAM were sent letters by the Town to permit them to proceed so that they can develop design proposals. The three firms have individually been back to The Nathaniel Witherell for tours with Bill Kowalewski. Mr. Toretta has expressed concern that there may have been differing information communicated to the firms during their individual tours and therefore a conference call with all of the firms has been scheduled for June 19, 2008 to clarify any issues.

The Town is going to institute a sealed package date by which all firms must submit their designs. Two presentations will be held on one date and the third on another. The proposed dates for the presentations are July 9, 15 and 16, but the actual dates will be confirmed shortly.

Following the presentations, the Architect Selection Task Force will vote to recommend one firm to hire to the Committee. The Committee will then vote on its selection.

Mr. Toretta clarified that his concern was that the procedures of the Town requires each firm to have the same information. Each architectural firm had its own individual walk through of The Nathaniel Witherell which could have resulted in them receiving different information. The scheduled conference call is intended to insure that all firms are on the equal footing with respect to information received.

Mr. Kowalewski then advised as to how the individual visits came about. After the three firms were given the information that they were to proceed to the design proposal phase, one firm called Mr. Kowalewski and indicated that they wanted to return to the facility.. Mr. Kowalewski called Mr. Glass who indicated that he should arrange for the visit. Mr. Kowalewski then spoke with the Purchasing Department of the Town who advised him to invite the other two firms to have the same opportunity to revisit the facility and the visits were then arranged. The Purchasing Department did not indicate that all three firms were to visit at the same time. [Mr. Kowalewski advised the Committee that he announced to each visiting Architectural firm the need to have the same information disseminated to each firm during each individual tour.](#)

Ms. Tarkington expressed concern that throughout the time the Architect Selection Task Force has existed, the members of the Task Force had prior notice of meetings which were to occur. She noted that the Task Force members did not have prior notice of the individual tours provided to the architectural firms. Mr. Kowalewski then indicated that after the first meeting, he notified Mr. Toretta of the second and third meetings to take place. Ms. Tarkington asked whether the individual meetings had been taped. Mr. Kowalewski indicated that they had not been. Mr. Toretta then indicated that it was a [miscommunication](#) by the Purchasing Department in not advising that all three firms should attend the same visit.

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Mr. Fox then indicated that the three tours were informational only.

Mr. Lacey stated that he had received a draft contract for the Construction Manager from outside counsel and would reach out to Town Attorney Wayne Fox for his feedback and estimated time for review.

Discussion then ensued as to the responsibility for seeing that the specifications and business plan are adhered to. The Nathaniel Witherell Board, not the Committee is responsible for the business plan and the specifications provided for the project. Ms. Tarkington expressed concern that the specifications and business plan might not be followed by the Committee or the architect chosen.

The Nathaniel Witherell Board must, per the Charter provision establishing the Committee, approve of the architect to be chosen and the design they provide.

Mr. Ormsby stated that there are three members of The Nathaniel Witherell Board on the Committee as well as Mr. Kowalewski and that he is confident that these members will not permit the Committee to engage an architect to design an inappropriate facility.

Mr. Glass reported that 19 different parties have expressed interest in being the Construction Manager for the project. He anticipates having a Construction Manager engaged in October or November. He suggested that schematic drawings would be available in the Spring of 2009 and that construction would likely begin in 2010.

Mr. Kaye noted that the Committee had numerous prior discussions about the need to engage outside counsel to assist in the preparation of the Construction Manager's contract, but that no formal motion had been made to authorize this. Mr. Kaye moved that the Committee ratify the engagement by the Town Attorney of Pepe & Hazard to draft a contract to be used with the Construction Manager. The motion was seconded by Mr. Soler and approved.

Mr. Hornak reported that there had been a power outage on June 8, 2008 and that the generator ran fine at that time. Temperatures were extremely high on that date, being somewhere between 90° and 100°. Thirteen very old window air conditioning units went out of service at that time. The next day, another three window air conditioning units were lost from service. An emergency requisition for 25 units at a cost of \$35,000.00 was made. This is a maintenance item and the report was for informational purposes.

The next meetings of the Committee will be on July 9, 2008 and August 6, 2008.

The meeting was adjourned at 8:57 a.m.

*"Disclaimer: These notes were taken at the meeting of June 18, 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