

**TOWN OF GREENWICH
MINUTES OF THE AUGUST 27, 2008 MEETING OF**

THE NATHANIEL WITHERELL TOWN BUILDING COMMITTEE

The twenty-fifth meeting of the members of The Nathaniel Witherell Town Building Committee was held in the conference room at Nathaniel Witherell at 7:37 a.m. on August 27, 2008.

Present were:

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

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

Guests: Jack Hornak, Ray Augustine, Lynn Bausch, Ken Henderson, Ray Augustine, Joyce Jordan, Bruce Dixon, Susan Welsh, David Ayres, Peter Tesei, John Wayne Fox (by phone), and Ashley DeMain.

Mr. Glass called the meeting to order. He asked whether the minutes of the August 13, 2008 meeting were reviewed by all and were approved. Upon motion duly made and seconded the minutes were approved.

Mr. Glass then reported that the contract with BL was in the process of negotiation. The fee for their work is one of the points of negotiation. Mr. Toretta reported that the scope of services for the contract with BL is being reviewed and clarified. He anticipates that the architect's contract is about 3 weeks away from being signed.

Mr. Fox stated that there should be 2 visits to with the architect. One is to finalize the contract and the other to kick off the design phase.

At this point, in light of Mr. Glass' resignation from the Committee effective September 1, 2008, Mr. Bankson proposed that Paul Toretta and Andy Fox be named as co-chairs of the Committee. Section 57.1 of the Charter gives the Committee the right to appoint the Chair of the Committee. The Section only speaks of a Chair and Vice Chair, not Co-Chairs. Mr. Bankson advised that he had spoken with Town Attorney Wayne Fox, who stated that the Committee could have Co-Chairs.

Wayne Fox was in attendance at the meeting via phone and advised that the Town Charter does give authority to the Committee to choose a Chair. He advised that Roberts Rules does indicate that Co-Chairs have the potential for issues if they disagree. He went on to say that the Committee has the discretion to determine the Chair of the Committee and that if the Committee so chooses, it can have Co-Chairs. Dr. Arturi questioned whether the Charter provision permitted Co-Chairs and Wayne Fox confirmed that it did.

Mr. Toretta then advised that he and Mr. Fox had discussed working as Co-Chairs and thought that it would work. Ms. Lavery asked how the arrangement would work. Mr. Toretta said that he would take the lead on design issues and that Mr. Fox would take the lead on construction issues.

Mr. Fox said that he will serve as the Committee wishes. He thinks that the Committee needs a schedule and that he likes to hold people to schedules.

Mr. Glass said that BL is going to be paid, in part, to assist in managing the project and that BL should be used for that purpose as soon as possible.

Mr. Bankson suggested that if Mr. Toretta and Mr. Fox cannot agree on an issue, there should be an unwritten understanding that Mr. Fox's opinion should be given slightly greater weight. Mr. Toretta said that he had no objection to that.

Mr. Brooks then said that he did not agree with the concept that Mr. Fox's opinion should have slightly greater weight in the event of a disagreement between Mr. Toretta and Mr. Fox and that the Committee should control in such an event. Mr. Toretta then said that he does not think this will be an issue.

Mr. Soler said that in partnership situations, there is typically an agreement for settling a difference of opinion, such as Mr. Bankson suggested. Mr. Soler said that if there is a disagreement between Mr. Toretta and Mr. Fox, the Committee should be advised about it sooner than later.

The Committee then voted unanimously to appoint Mr. Toretta and Mr. Fox as Co-Chairs of the Committee.

Mr. Brooks then suggested that the Committee thank Mr. Glass for his good work. The Committee did so.

Mr. Lacey then reported that the RFP for the Construction Manager should be completed by the Task Force by the end of the week and it would then be forwarded to the Town Purchasing Department. He said that the RFP should be out to Construction Managers by mid-September, with a site visit at the end of September and bids by mid-October.

Mr. Fox indicated that he would like to finalize the time line for the project. The time line will include the BET process with its own heading. He advised that there will likely not be an initial budget until the beginning of April, 2009 with construction not starting until 2010.

Mr. Glass said that the Committee will likely spend \$900,000 by the end of June, 2009 on the Architect's fee and \$300,000 for the Construction Manager's fee.

Mr. Kowalewski said that he was told that the project could get funding to start even if it was out of the ordinary budget cycle process. Ms. Tarkington confirmed that this was correct.

As of this time, \$7,300,000 toward the project has been approved to be expended. Of that, \$3,700,000 was for emergency repairs and \$3,600,000 for soft costs. Mr. Glass said that the dollars approved for expenditure could be used as needed between those 2 items.

Mr. Bankson said that he is very concerned about the potential for overruns by BL in its fee.

Mr. Saccardi said that he believes that the issue concerning BL's financial position had been resolved and Mr. Toretta confirmed that the financials were not a reason not to move forward with BL.

Ms. Lavery said that communication is important and that the Committee should give more thought to that issue.

The next meeting of the Committee will be on September 10, 2008 at 7:30 a.m.

The meeting was adjourned at 8:15 a.m.

"Disclaimer: These notes were taken at the meeting of August 27, 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