



MINUTES OF THE NOVEMBER 30, 2007 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 8:00 a.m. on November 30, 2007.

Present were:

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

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

Guests: Jack Hornak, Ken Henderson, Lynn Bausch, David Ormsby, and Susan Welsh.

Mr. Glass commenced the meeting by asking whether the minutes of the November 7, 2007 meeting were reviewed by all and were approved. Upon motion duly made and seconded the minutes were approved.

Mr. Glass then asked whether the minutes of the November 28, 2007 meeting were reviewed by all and were approved. Upon motion duly made and seconded the minutes were approved.

Mr. Kowalewski reported that Mr. Latham of the Town Purchasing Department advised him that the only open issue in order for the Town to issue the RFP/RFQ for the Architects is a determination by the Committee whether to engage an owner's representative.

Dr. Arturi asked what benefit there would be to engaging an owner's representative.

Mr. Lacey answered by explaining that the best use of an owner's representative is when the owner is a corporation with no ability to oversee a project. The owner's representative is then engaged by the owner to hire the architect, the construction manager, to review invoicing, change orders and to assist in closing out the project. Mr.

Lacey advised that prior to the time the concept of an owner's representative existed, the architect rendered the majority of services which an owner's representative provides.

Mr. Lacey went on to say that there is a need for someone to police change orders and to schedule and control the design team, but if an owner does not fully empower an owner's representative to make decisions for the owner, which the Committee probably cannot do, then an owner's representative cannot effectively fulfill their role. Mr. Lacey estimated the cost for an owner's representative over the life of the project to be \$1,000,000 - \$1,500,000. It was suggested that the Architect could provide most of the services that an owner's representative would.

Ms. Tarkington then asked what the additional cost of the Architect would be in providing the type of services which the owner's representative would provide. Mr. Glass estimated that the cost would be somewhere between \$350,000 - \$600,000.

Mr. Kaye then inquired as to whether the current RFP/RFQ requested the Architect to provide the type of services which an owner's representative would provide.

Mr. Glass indicated that it did not. Mr. Toretta then suggested that the RFP/RFQ be modified to request that the Architect provide a cost estimate for providing these services.

Ms. Tarkington then suggested that the Committee take a few days to consider this issue. She advised that the BET is discussing in its Audit Committee how building committees in the Town might utilize the services of an owner's representative in order to diminish the likelihood of cost overruns and delays. She pointed out that the Town is using an owner's representative on certain projects currently under construction. The Audit Committee is considering requiring that an owner's representative be utilized on materially significant projects, the definition of which is still under consideration, but which might be as low as \$5,000,000. Discussion on this issue is continuing within the Audit Committee.

Mr. Glass indicated that the Architect would certify draws requested by the Construction Manager and would act as the Committee's representative vis a vis the Construction manager. Mr. Toretta indicated that we would probably want the Architect to be present at the site daily.

Mr. Soler stated that it was his feeling that the cost of an owner's representative for the project would exceed \$2,000,000.

After some discussion, the sense of the Committee was that the Architect's Agreement be modified to provide that the Architect's job include construction administration and management (job site) services.

Mr. Glass then reported that the Construction Management subcommittee is moving forward on the Construction Management RFP process and that the Construction Management contract is currently under review by the Town Attorney's office.

A motion was then made by Mr. Soler to amend the Architect's Agreement to include a provision that the Architect provide construction administration and
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management services as part of their work. Mr. Lacey seconded the motion. The voting members approved of the motion by a vote of 8 to 1 with Ms. Tarkington voting against the motion.

Mr. Soler made a motion that the Committee not utilize the services of an owner's representative for the project. Mr. Toretta seconded the motion. The voting members approved of the motion by a vote of 8 to 1 with Ms. Tarkington voting against the motion.

Mr. Soler made a motion that the Committee request the Town to send out the Project Renewal Binder to Architects following the completion of the rewording of the Architect's Agreement pursuant to the motion made and approved earlier in the meeting for the Architect to provide construction administration and management services as part of their work. Mr. Fox seconded the motion. The voting members approved of the motion by a vote of 8 to 1 with Ms. Tarkington voting against the motion.

Mr. Kowalewski reported that to date, 19 Architects have expressed interest in the project.

The following handouts were made available at the meeting: Meeting Agenda, Draft Architect's Agreement which includes the Architect's contract, Insurance Requirements, Specifications for the Architect's Agreement and an article from Almost Home regarding current thinking on long term care facilities.

The next meeting of the Committee will be on December 19, 2007.

The meeting was adjourned at 9:05 a.m.

"Disclaimer: These notes were taken at the meeting of November 30, 2007. 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

