

Approved Meeting Minutes

Middle School Building Committee Meeting

February 12, 2014 – 4 pm

BOE Conference Room, 3rd Floor Annex Building

5 Linsley Street, North Haven, CT

Committee Members in Attendance:

Miriam Brody , Lou Coppola, Sr., Gary Johns (committee chairman), David Mikos, Bruce Morris , Walter Nester, Jr., Joseph Porto, Michelle Spader (committee secretary), Dyann Vissicchio (committee vice-chair)

Absent: Michael Brandt

Others in Attendance:

Goldie Adele, Phil Diana, Attorney Jeff Donofrio, and Ed Swinkoski

Meeting called to order at 4:01 pm am by Chairman, Gary Johns.

At 4:03 pm there was a motion by Bruce Morris that was seconded by Joe Porto to go into executive session and include Ed Swinkoski, Phil Diana and Attorney Donofrio for purposes of evaluating the remaining RFQ's.

The motion to come out of executive session was made at 5:20 pm by Bruce Morris and seconded by Joe Porto. The names of the four firms that scored the highest are as follows:

- Perkins Eastman
- Tai Soo Kim Partners Architects
- Kaestle Boos Associates
- Antinozzi Architects

Motion to send RFP's to these four firms was made by Walter Nester and seconded by Bruce Morris. The committee voted unanimously in favor of the motion.

Next, Attorney Donofrio explained the RFP that is going out to the final four firms. The RFP tells the remaining firms that we met, evaluated and deemed them amongst the most qualified respondents and we are requesting they submit a proposal. This should be a detailed proposal that incorporates information and work plans that summarize the project approach. They are supposed to provide an estimated project schedule that covers the period from the date of the award to the completion of the Office of School Facilities PCT review (plan completion test). They are supposed to identify their

approach for complying with the SSIC (School Safety Infrastructure Council) standards. They must acknowledge the insurance requirements that are listed in the RFQ, accept the non-collusion/non conflict and affirmative action statements in the RFQ and acknowledge acceptance of the contract terms. When Swinkoski sends out the RFP he will also send a draft of the contract. The idea of providing the contract with the RFP is to ask the respondent to waive the right to further negotiate the contract. Whatever firm is chosen will get an award letter and have three days to sign the contract.

The respondents will provide a fee proposal as well. There will be two sealed envelopes submitted per firm. One envelope will have a proposal with more narrative information expanding upon the statement of qualifications and the other envelope will have the fee proposal. The fee proposal is broken down into the following categories:

- Pre-Referendum Design Services
- Design Development Phase Fee
- Construction Documents Phase Fee
- Bid Phase Fee
- Construction Administration Phase Fee
- FF & E Fee
- Construction Administration Fee
- Hourly Rates for Additional Services

When each of the firms deliver their proposals, the committee will only open the proposals and score them first, before the envelope that contains their fee proposal is opened so we are not tainted by price.

The interview dates and times for February 26 and 27th need to be included in the RFP that is being sent to these four firms.

Spader questioned whether or not she would be allowed to score the final four firms since she will be offsite and only able to participate via phone on February 26 & 27. Donofrio said she will not be able to score because she will not be able to see any exhibits that are presented by the firms.

It was decided that the firms would be interviewed in alphabetical order with two being done the morning of February 26 (7:30 am & 9 am) and two the morning of February 27 (7:30 am & 9 am). The firms have been told to set aside forty minutes for an oral presentation followed by a question and answer session that is not to exceed twenty minutes, both of which is done in open session. The committee will then set aside an extra hour each morning to score the firms, are in executive session.

- February 26 – 7:30 am - Antinozzi Architects
- February 26 – 9:00 am - Kaestle Boos Associates
- February 27 – 7:30 am – Perkins Eastman
- February 27 – 9:00 am - Tai Soo Kim Partners Architects

A few committee members need to be assigned to check references and visit schools that the architects built. Those individuals can then report their findings back to the committee. A subcommittee is not

mandatory for these purposes. Subcommittees would be subject to meeting posting requirements (FOIA). Committee members are free to call any references that the firms included in their RFQ's. They should identify themselves as members of the North Haven Middle School building committee and explain that the architectural firm listed them as a reference

Donofrio suggests that we coordinate the questions that are going to be asked of all references. Suggested questions include:

- Were there many errors and omissions?
- Did they deliver on schedule each phase?
- Were there a lot of non-owner directed change orders?
- How did the architect respond to RFI's? (requests for information- delays in responses, delay the job),
- Was the architect on site as much as they should have been?
- Did the firm attend all the building committee meetings and come prepared to these meetings?
- Did they participate in pre-appropriation meetings (participate in presenting and selling the project to the public)?

Everyone should ask the same questions. It is ok for two or three committee members to make the calls and email each other, however there cannot be a quorum (committee has eleven members, so six is a quorum). If you include six or more committee members on an email it is classified as a meeting.

Miriam Brody asked if the committee will be scoring the final four firms the same way as we did the initial eleven. Donofrio says no. There will be a different matrix because price will need to be factored in and the committee will need to decide how they want to weight it.

Vissicchio brings up the fact that our FOIA discussion has not occurred yet, and she would like to know the guidelines. Donofrio explains that FOIA covers two things – meetings of public agencies and records. A meeting is a quorum of a public agency talking about agency business. If six people were to get on the phone, that is considered a meeting. Meetings have to be posted a minimum of twenty four hours ahead of time in the town clerk's office. Minutes have to be kept of agency action. FOIA requirements for minutes is reporting agency action (motions made and seconded, discussed and voted on). Anything beyond that is not required to be in the minutes. Spader remarked that would have been helpful to know a few months ago, since she spends hours preparing the detailed meeting minutes. Donofrio adds minutes are not supposed to be transcripts. It would be too difficult to keep up the level of detail once the architect and the construction manager begin coming to the meetings and using technical jargon. Donofrio also cited other examples of things that should not be included in the minutes and Spader stressed the importance of committee members reading the draft minutes prior to voting upon them, since anything the committee feels should not be in the official minutes should be revised.

If the committee doesn't have a quorum they can sit and talk, but it is not considered a meeting. There would be no minutes, no voting, and no action. Executive session requires a 2/3 vote. There are limited reasons to go into executive session. Personnel, pending litigation, and discussion of anything that the disclosure of which is exempt under CT General Statute 1-210B. Reviewing proposals is one of the acceptable reasons to go into executive session. Proposals, contract offers, etc. aren't FOI-able until the contract is awarded.

Everything talked about in executive session is completely confidential. You can't talk to anyone about what goes on in executive session, not even other committee members who were not in the executive session. No minutes are allowed to be taken during executive session.

If a subcommittee meets it must have a quorum, and minutes have to be kept.

Any records that are made are FOI-able. An email, fax, voicemail sent amongst committee members is FOI-able.

Websites and social media can be an issue due to record retention policies. If we have a Facebook page and want to put up records that are on a website, that is fine. They are already public records. Spader remarked that this is exactly what she has been asking to do for the past couple weeks. Spader wanted to put the presentation from the town meeting on January 28, the video shown at that presentation, and excerpts from the Feasibility Report onto the Facebook page. Donofrio agreed it was ok to upload those things. He also said there should not be any discussion by the committee on the page. Spader agreed that she will not answer any questions directly, but cannot stop people who comment from discussing amongst themselves.

Donofrio said there should be an acceptable usage policy and a disclaimer added to the page so we don't get sued for things such as cyber-bullying, malware, worms, first amendment issues, etc. This acceptable usage policy is necessary because you cannot stop people from posting comments. We need to take reasonable precautions to mitigate the security risks that a Facebook page presents. We should limit the usage of it. Donofrio said it was fine for the committee to have a page, though a website is much more secure, doesn't have to allow comments or chatting, can be encrypted and it is much more difficult to hijack or circulate malware through. Once we hire an architect they should provide us with a website for the project.

Spader asked Donofrio for a copy of the acceptable usage policy and disclaimer that he would like added to the Facebook page and he agreed to provide it.

Mikos says he does not like Facebook and doesn't want to be a part of Facebook or listed on any Facebook pages. Spader explained that when Donofrio okayed the use of a webpage and social media at the January 30, 2014 meeting she started a Facebook page the following day. There is no content on the page currently. It says "Coming Soon", gives the purpose of the site and lists the names of the committee members. Mikos thinks that anything put on the Facebook page should be voted upon by the committee members. Donofrio added that as the monitor of the page Spader needs to be personally protected, therefore anything that is posted should go through the committee, so she does

not take on any individual liability. Donofrio said the one things to remember when you are on a public agency is the public agency acts through a quorum of the public agency. Individually members have no authority to do anything. So, if you ever have something you want to do or an idea about something, the proper thing to do is make a motion at a meeting. If approved, you are authorized to act on behalf of the committee.

Spader explains that Facebook is another avenue to garner support for the project and many people utilize it, so if we can reach a portion of our townspeople/taxpayers we should take advantage of it. Spader also feels it is a good receptacle of people's thoughts and ideas as they pertain to the project so that people can express what they would like to see included in the project. Mikos says that any site that is comment-able is a bad idea, in his opinion. He added that if they want to comment, they can come to a meeting. Spader added that there are already several North Haven blogs as well as community pages on Facebook where people are already commenting and it would be better to have it done on one central page.

Donofrio said the committee may want to form a community relations subcommittee. This subcommittee would work with the architect. He suggested that a good question to ask during the interview of the firms would be how they intend to promote the project to the taxpayers of North Haven in order to garner their support at the referendum. Donofrio said there were four or five informational meetings that were held for the public during the high school project. The committee then took those questions and comments back to their meetings to discuss and determine whether or not they could accommodate some of these ideas into the project, and if they couldn't incorporate them they could at least come back and inform the public as to the reasons why. Community outreach is critical. Voter turnout greater than 15% is critical when we have the referendum for the appropriation of funds for the project and it takes a multi-media, multi-pronged approach in order to accomplish this.

Spader made a motion to add the presentation shared at the town meeting on January 27, 2014, the video of the middle school conditions shared at that same town meeting and pages 14 thru 19 of the Feasibility report on the Facebook page. The motion was seconded by Walter Nester and approved, with only one committee member, David Mikos, voting against it.

Spader stated that she will write that no members of the committee will be responding to anything that people write on the Facebook page. Donofrio says he is concerned about the page and doesn't want it to create issues. Spader explained that she modeled the page after the Wethersfield High School Renovation Project page. Their site has 378 "likes" and was launched in 2012. The site Spader created, that is only 2 weeks old, has 269 followers already who are waiting for information to be added to the page. Spader also noted that if the page becomes a problem, she can always discontinue the page.

No committee members should divulge the names of the four firms until the letters notifying the firms are sent out on Friday, February 13, 2014.

Chairman Johns feels the committee needs to meet again next week to come up with the questions to be asked when calling references and to discuss potential site visits as well as to assign members to check references. The committee will also determine questions to be asked during the RFP interviews

and discuss a new scoring matrix to be utilized to evaluate the final four firms. The next meeting was set to Wednesday, February 19 at 8:15 am in the Annex.

Motion to adjourn at 6:05 pm by Bruce Morris, seconded by Dyann Vissicchio.

Respectfully submitted,

Michelle Spader
Committee Secretary