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**MINUTES OF THE SPECIAL TELEPHONE MEETING OF THE BOARD OF TRUSTEES
UNIVERSITY OF CONNECTICUT**

University of Connecticut
Rome Commons Ballroom
South Campus Complex
Storrs, Connecticut

March 11, 2005

OPEN SESSION

The meeting was called to order at 3:02 p.m. by Chairman John Rowe. Trustees who participated by telephone were: Philip Barry, William Berkley, Andrea Dennis-LaVigne, Linda Gatling, Lenworth Jacobs, Stephen Kuchta, Rebecca Lobo, Michael Nichols, Thomas Ritter, Richard Treibick, and Brenda Sisco, who represents the Governor's Office.

Trustees absent were: James Abromaitis, Louise Bailey, Peter Drotch, Bruce Gresczyk, Michael Martinez, Denis Nayden, and Betty Sternberg.

University Staff who participated by telephone were: President Austin, Vice President and Chief Operating Officer Flaherty-Goldsmith, Associate Vice President Callahan, and Interim Executive Director for Architectural and Engineering Services Kraus. Attorney John Reid from the law firm of Gordon, Muir & Foley, LLP also participated by telephone.

University Staff present were: Provost and Executive Vice President for Academic Affairs Nicholls, Vice President for Financial Planning and Management Aronson, Vice President for Operations Dreyfuss, Vice President for Student Affairs Saddlemire, Associate Vice President for Student Affairs Miller, Associate Vice President DeTora, Dr. Schurin, Chief of Police Hudd, Deputy Fire Chief Williams, Ms. Locke, and Ms. Debbie Carone. Assistant Attorney General McCarthy was also present.

EXECUTIVE SESSION

On a motion by Mr. Treibick, seconded by Mr. Barry, **THE BOARD VOTED** to go into Executive Session at 3:03 p.m. to discuss matters pertaining to litigation. The Chairman noted that on the advice of counsel only staff members whose presence was necessary to provide their opinion would be permitted to attend Executive Session.

Trustees who participated by telephone were: Philip Barry, William Berkley, Andrea Dennis-LaVigne, Linda Gatling, Lenworth Jacobs, Stephen Kuchta, Rebecca Lobo, Michael Nichols, Thomas Ritter, Richard Treibick, and Brenda Sisco, who represents the Governor's Office.

University Staff who participated by telephone were: President Austin, Vice President and Chief Operating Officer Flaherty-Goldsmith, Associate Vice President Callahan, and Interim Executive Director for Architectural and Engineering Services Kraus. Attorney Reid from the law firm of Gordon, Muir, and Foley also participated by telephone.

University Staff present were: Provost and Executive Vice President for Academic Affairs Nicholls, Vice President for Financial Planning and Management Aronson, Vice President for Operations Dreyfuss, Vice President for Student Affairs Saddlemire, Associate Vice President for Student Affairs Miller, Associate Vice President DeTora, Dr. Schurin, Chief of Police Hudd, and Deputy Fire Chief Williams. Assistant Attorney General McCarthy was also present.

Executive Session ended at 3:29 p.m. and the Board returned to Open Session at 3:30 p.m.

March 11, 2005

OPEN SESSION

1. Public Comment (limited to agenda item)

There were no members of the public who wished to speak on this matter.

2. Chairman's Report

Trustee Abromaitis joined the meeting by telephone at this time.

(a) Item requiring Board discussion and approval:

(1) Hilltop Apartments Corrective Action Plan

Vice President Flaherty-Goldsmith read the resolution regarding the Hilltop Apartments Corrective Action Plan (CAP). A copy is attached to the file copy of the Board minutes. She requested approval for a budget of \$14.9 million for the Hilltop Apartments CAP and approval to proceed with the first phase of the Plan.

Chairman Rowe asked for a motion.

Mr. Berkley moved and Mr. Treibick seconded a motion that the Board of Trustees approve a \$14.9 million budget to implement the Hilltop Apartments Corrective Action Plan.

Trustee Gatling raised questions about the strict timeframe for completion. She asked if the contract stipulated a guarantee for completion from the construction company, and if it not, what were the administration's expectations in terms of housing students at another site.

Vice President Flaherty-Goldsmith responded the contract stipulated that the construction company would liquidate the damages.

Trustee Abromaitis apologized for missing the discussion in Executive Session. He indicated that with respect to the timeframe and the costs associated with this project, he will vote in opposition.

Ms. Sisco raised concerns about the extensive nature of the work that needs to be completed. She emphasized that she understood the work was necessary and the students are the University's top priority, but she indicated for the record that her concerns stem from the overall cost issue, which was brought to the Board in a short period of time. She also questioned the University's accountability with respect to all construction projects.

President Austin said that the University is taking important steps to assure that problems of this nature not arise in the future. Most fundamentally, a change in the organizational structure was implemented nearly two years ago to create the position of Vice President and Chief Operating Officer, now filled by Vice President Flaherty-Goldsmith. Under her leadership the University has instituted several important process and structure changes.

In terms of the immediate issue, it is important to put it in context. Upon learning of the problems at Hilltop Apartments, the University had already completed or initiated \$1 billion in projects, with a high rate of success. At Hilltop, although the University was acting in conformity with existing

March 11, 2005

regulations in allowing the architect and the construction manager to certify that structures were code compliant, this methodology needs to be revised, and this is being undertaken. Now, even for those buildings that are not at the level at which existing State policy requires external code review, the administration has established a new office under the purview of the University's Division of Public Safety. The State Fire Marshal's Office has agreed to assign a State Fire Marshal to the University. At this point in time, all buildings will receive the certification from our internal fire marshal and from the State Fire Marshal. It is expected that these actions will minimize the probability of problems such as we experienced at Hilltop recurring. In addition, the University has made personnel changes.

Chairman Rowe added that President Austin and the University administration will undertake an extensive review of all construction projects and provide the Board with an update at the earliest possible date. He hoped that the Board would have the opportunity to review the report shortly and then provide it to Governor Rell and her staff.

With respect to Governor Rell's concerns about the extensive repairs and costs associated with them, Ms. Sisco asked the administration to discuss what measures will be taken to guarantee that Connecticut taxpayers are not burdened with the additional costs.

Chairman Rowe asked Vice President Flaherty-Goldsmith to speak to the recovery efforts. Vice President Flaherty-Goldsmith responded that she was concerned about undertaking a lengthy discussion because the University has begun litigation proceedings and are actively pursuing recovery from Capstone Development Corporation. The administration has exchanged written memoranda and held their first meeting today with Capstone representatives.

Chairman Rowe expressed his satisfaction with the University administration and the challenges presented by the external scrutiny. He noted that the University has been well supported by the State and has delivered an exceptional product. He emphasized that it was important to move forward.

Ms. Sisco stated that, while she does not have a vote on Board matters, she would vote in the negative on the issue before the Board. She reiterated her concerns about the extensive nature of structural deficiencies, the immediate timeline, the impact to students, and the sensitive nature of this matter.

THE BOARD VOTED to approve a \$14.9 million budget to implement the Hilltop Apartments Corrective Action Plan.

Trustee Abromaitis voted in opposition.

8733

March 11, 2005

3. Adjournment

Chairman Rowe announced that the next regular Board of Trustees meeting was scheduled for Tuesday, April 12, 2005 at 1:00 p.m. at the Stamford Campus.

There being no further business appearing, the Board meeting adjourned at 3:42 p.m.

Respectfully submitted,

Louise M. Bailey
Secretary