

May 2006

## Minutes May 15, 2006

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

**AGENDA**

University of Connecticut  
Bishop Center  
Storrs, Connecticut

May 15, 2006

**OPEN SESSION**

The meeting was called to order at 2:32 p.m. by Chairman John W. Rowe. Trustees who participated by telephone were: James Abromaitis, Louise Bailey, Gerard Burrow, Andrea Dennis-LaVigne, Linda Gatling, Lenworth Jacobs, Salmun Kazerounian, Rebecca Lobo, Michael Martinez, Thomas Ritter, Richard Treibick, and Brenda Sisco, who represents the Governor's Office.

Trustee Philip Barry participated in person.

Trustees absent were: Michael Bozzuto, Peter Drotch, Stephen Kuchta, Denis Nayden, F. Philip Prelli, Wayne Shepperd, and Betty Sternberg.

Executive Vice President for Health Affairs Deckers and Chief Audit and Compliance Officer Walker participated by telephone.

Also participating by telephone were former Vice President and Chief Operating Officer Flaherty-Goldsmith and Aetna Chief of Staff Patricia Hassett.

University Staff present were: President Austin, Provost and Executive Vice President for Academic Affairs Nicholls, Vice President for Financial Planning and Management Aronson, Interim Vice President and Chief Operating Officer Feldman, Interim Director of Architectural and Engineering Services Bradley, Interim Associate Vice President for Operations Callahan, Associate Vice President for Student Affairs Miller, Associate Vice President DeTora, Dr. Schurin, Chief of Police Hudd, University Building Inspector Joseph Griffith, Ms. Locke, and Ms. Debbie Carone.

Assistant Attorney General McCarthy and Assistant Attorney General Sullivan were also present.

Also in attendance were Attorney John Reid, who represents the law firm of Gordon Muir and Foley, LLP, and Attorney James Maher, who represents the law firm of Halloran and Sage LLP.

**1. Public Comment (limited to agenda items)**

There were no members of the public who wished to address the Board.

**2. Chairman's Report**

Chairman Rowe stated that occasionally special meetings are necessary to continue to make significant progress on certain matters that are time sensitive and require Board discussion and approval.

(a) Items requiring Board discussion and approval:

- (1) Contracts and Agreements for the Storrs-based programs (Attachment 1)

Chairman Rowe noted that in addition to the contracts and agreements listed in the agenda, Trustees received by fax three additional items related to revised Student Union restaurant leases that include Blimpie, Wendy's, and Panda Express.

(Dr. Jacobs joined the meeting by telephone at this time.)

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Mr. Martinez moved, seconded by Dr. Burrow to approve the amended contracts and agreements for the Storrs-based programs.

Vice-Chair Ritter abstained from voting on the Madison Square Garden CT LLC contract.

Trustee Gatling raised concerns about the cost determinations for the restaurant vendors and asked why the estimates were vastly different.

Mr. Callahan responded that the original leases were negotiated so that each vendor would be charged a flat rental rate fee of \$24,000 a year in addition to the common area management fees, which are estimated to be \$26,000 to \$27,000 annually. As the negotiations proceeded, there was also discussion over the cost of the grease trap that would service all three vendors and some University users as well. Wendy's agreed to reimburse the University for the cost of the grease trap, which was \$84,000, and as a result, their rent was decreased accordingly.

Vice-Chair Treibick stated that there still seems to be a disparity in the rents regardless of the issue with Wendy's.

Mr. Callahan responded that the Panda Express rent includes the common area management fee and it should not have included that fee.

**THE BOARD VOTED** to approve the contracts and agreements of the Storrs-based programs.

- (2) Approval of Project Budget (Design) for Hilltop Apartments  
Corrective Action Plan, Phase II (Attachment 2)

#### EXECUTIVE SESSION

On a motion by Dr. Burrow, seconded by Mr. Abromaitis, **THE BOARD VOTED** to go into Executive Session at 2:38 p.m. to discuss matters pertaining to litigation relevant to the Hilltop Apartments Corrective Action Plan, Phase II. 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: James Abromaitis, Louise Bailey, Gerard Burrow, Andrea Dennis-LaVigne, Linda Gatling, Lenworth Jacobs, Salmun Kazerounian, Rebecca Lobo, Michael Martinez, Thomas Ritter, Richard Treibick, and Brenda Sisco, who represents the Governor's Office.

Trustee Philip Barry participated in person.

Also participating by telephone was former Vice President and Chief Operating Officer Flaherty-Goldsmith and Aetna Chief of Staff Patricia Hassett.

University Staff present were: President Austin, Provost and Executive Vice President for Academic Affairs Nicholls, Vice President for Financial Planning and Management Aronson, Interim Vice President and Chief Operating Officer Feldman, Interim Director of Architectural and Engineering Services Bradley, Interim Associate Vice President for Operations Assistant to the President Callahan, Dr. Schurin, Chief of Police Hudd, and University Building Inspector Joseph Griffith.

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Assistant Attorney General McCarthy and Assistant Attorney General Sullivan were also present.

Also in attendance were Attorney John Reid, who represents the law firm of Gordon Muir and Foley, LLP, and Attorney James Maher, who represents the law firm of Halloran and Sage LLP.

Executive Session ended at 2:54 p.m. and the Board returned to Open Session at 2:55 p.m.

Chairman Rowe asked for a vote on the Project Budget for the Hilltop Apartments Corrective Action Plan, Phase II. He noted that this will be the Final Budget rather than the Design Budget.

On a motion by Mr. Treibick, seconded by Mr. Barry, **THE BOARD VOTED** to approve a Project Budget (Final) in the amount of \$8,095,000 for the second phase of code discrepancy corrective work for the Hilltop Apartments complex.

- (3) Approval of Project Budget (Final) for Facilities Condition Analysis (FCA) (Attachment 3)

On a motion by Mr. Martinez, seconded by Dr. Burrow, **THE BOARD VOTED** to approve the Final Budget for a Facilities Condition Analysis (FCA) update for certain buildings on the Storrs campus, the Depot campus, and a Storrs campus utility infrastructure study in the total amount of \$800,000 in response to University deferred maintenance planning needs, the Governor's Commission recommendation and resulting Draft Implementation Plan as submitted by the University, and recently enacted legislation. Because of the nature and timetable of this activity, resulting in a Final Budget approval request, an exception to the three-phase budget process was also requested.

- (4) Conveyance of Property for Storrs Center Development (Attachment 4)

Ms. Bailey motioned, seconded by Dr. Burrow to authorize the administration to convey property by sale and lease to Storrs Center Alliance (SCA) to construct the planned phases of the Storrs Center Project consistent with the recently approved Municipal Development Plan.

Vice-Chair Treibick asked what the remediation costs would be for the environment matters.

Attorney James Maher responded that the developer has the overall responsibility for remediation – Storrs Center Alliance. The agreements contemplate a cost sharing arrangement for some of the properties. The University's share of remediation costs are capped, which is consistent with what was described in the materials the Board received prior to the meeting.

Vice-Chair Treibick asked what uses were located on the property previously.

Mr. Callahan responded that much of the acreage has not been developed. The developed portion of University property includes a 30,000 square foot retail commercial building that is roughly located on 2.2 acres; a small automotive

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repair, not gasoline, station; and two small buildings that have been used by the School of Fine Arts for their ceramics and printing programs.

Vice-Chair Treibick asked if they thought anything would be problematic or were they taking the worst-case scenario and assuming that this would be the University's worst exposure.

Attorney Maher indicated that there has been a significant amount of work completed and nothing problematic has been identified. There will be some remediation, but nothing has been discussed with the University that is perceived as a particular problem. The approach taken was to limit the University's exposure to costs along the lines described in the materials.

Vice-Chair Treibick asked if they have done any test borings.

Attorney Maher responded that the developer is responsible for that.

Mr. Callahan added that the developers have completed Phase I and have not identified anything of consequence. The previous use of the property has been undeveloped and much of it will remain undeveloped because of the environmental constraints specific to that property. Mr. Callahan concluded that 15 acres out of the 50 acres being conveyed will be developed, and much of that 15-acre parcel had been previously developed.

Trustee Abromaitis said that the Department of Economic and Community Development has not heard of anything unusual to date.

**THE BOARD VOTED** to authorize the administration to convey property by sale and lease to Storrs Center Alliance (SCA) to construct the planned phases of the Storrs Center Project consistent with the recently approved Municipal Development Plan.

Trustee Abromaitis abstained from voting on this item.

- (5) Awards of Promotion, Tenure, and Reappointment (Attachment 5)

Chairman Rowe stated that Trustees also received by fax an amended personnel list. Professor Christian Bruckner in the Department of Chemistry is being deferred until a later date.

On a motion by Mr. Martinez, seconded by Mr. Barry, **THE BOARD VOTED** to approve the following awards of promotion and reappointment, effective August 23, 2006:

**Promotion to Professor:**

College of Liberal Arts and Sciences

Francoise Dussart  
Pamela Erickson

Anthropology  
Anthropology

School of Fine Arts

David Mills

Music

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**Reappointments – Tenure Track:**

College of Liberal Arts and Sciences

Isabelle Lagadic

Assistant Professor

Chemistry

Bruce Kay

Assistant Professor

Psychology

**3. Adjournment**

Chairman Rowe announced that the next regular Board of Trustees meeting is scheduled for Tuesday, June 20, 2006 at 1:00 p.m. at the Rome Commons Ballroom (South Campus Complex), Storrs, Connecticut.

There being no further business appearing, the Board meeting adjourned at 3:00 p.m.

Respectfully submitted,

Louise M. Bailey  
Secretary