

# BETHEL HIGH SCHOOL BUILDING COMMITTEE

CLIFFORD J. HURGIN MUNICIPAL CENTER

1 SCHOOL STREET, BETHEL, CT. 06801

MEETING ROOM "A"

December 27, 2011

6:30 P.M.

SPECIAL MEETING

## MINUTES

**PRESENT:** Chairman, Bill Slifkin, members: Robert Tripi, Judy Novachek, John Rondano, and David Norvig

**ABSENT:** Toni Hernandez, and James Lacey

**ALSO PRESENT:** Selectman, Richard Straiton and Martin J. Lawlor, Jr., Town Counsel.

**CALL TO ORDER:** Chairman William Slifkin called the meeting to order at 6:34P.M., followed by the Pledge of Allegiance.

**EXECUTIVE SESSION:** Robert Tripi made a motion to enter into Executive Session; motion was seconded by William Slifkin.  
Discussion: Selectman Straiton and Lisa Bergh were invited to remain present.  
Vote, all in favor, motion unanimously approved  
Executive session entered at 6:35 P.M.

William Slifkin made a motion to exit Executive Session; motion was seconded by Robert Tripi. Vote, all in favor, motion unanimously approved.  
Executive Session ended at 6:55 P.M.

William Slifkin made a motion to approve payment of the following invoice:

**Invoice # 252112, dated 10-31-2011 in the amount of \$74,628.28**

Motion was seconded by Judy Novacheck. Vote, all in favor, motion unanimously approved.

William Slifkin made a motion to approve payment of the following invoice:

**Invoice # 252979, dated 11-30-2011 in the amount if \$25,965.33**

Motion was seconded by Judy Novachek. Vote, all in favor, motion unanimously approved.

RECEIVED

2011 DEC 28 A 10:19

TOWN OF BETHEL  
TOWN CLERK

Motion to adjourn was made by William Slifkin, motion seconded by Robert Tripi.

Vote, all in favor, motion unanimously approved.

Meeting adjourned at 7:00 P.M.

Respectfully submitted,

Lisa Bergh  
Recording Secretary

**From:** Bob Kozlowski (KozlowskiB@betheltownhall.org)  
**To:** martin.j.lawlor@snet.net;  
**Date:** Fri, December 23, 2011 9:23:13 AM  
**Cc:**  
**Subject:** Pullman & Comley Invoices

Marty,

The amount available in the high school account is \$ 105,626.84. The total outstanding invoices amount to \$ 100,593.61.

Bob

**received**  
12.1.11

Town of Bethel  
Matthew Knickerbocker, First Selectman  
Hurgin Municipal Center, 1 School Street  
Bethel, CT 06801

November 30, 2011  
Invoice # 252979  
Matter # 072095-0006

*Math,*  
*Need approval*  
*from Building Committee*  
*Let me know.*  
*TRJ*

Re: Claim of C & H Electric, Inc.

For services rendered through October 31, 2011

<u>Date</u>	<u>Professional</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/03/11	Robinson	Prepare for cross examination of expert	4.50	335.00	1507.50
10/04/11	Robinson	Prepare for and defend client at trial (day 4)	8.00	335.00	2680.00
10/04/11	Manchak	Preparing update on day's (10/4/2011) proceedings in C&H v. Bethel for First Selectman Matt Knickerbocker and Town Attorney Martin Lawlor	1.30	210.00	273.00
10/04/11	Manchak	Second-chairing C&H v. Bethel bench trial in Hartford Superior Court	7.50	210.00	1575.00
10/05/11	Manchak	Second-chairing C&H v. Bethel bench trial in Hartford Superior Court	6.10	210.00	1281.00
10/05/11	Robinson	Prepare and defend client at trial Day 5	7.50	335.00	2512.50
10/06/11	Manchak	Preparing update on 10/5/2011 and 10/7/2011 trial proceedings in C&H v. Bethel for First Selectman Matt Knickerbocker and Town Attorney Martin Lawlor	2.10	210.00	441.00
10/07/11	Robinson	Prepare for (2.0) and defend client at trial (3.0)	5.00	335.00	1675.00
10/07/11	Manchak	Second-chairing C&H v. Bethel bench trial in Hartford Superior Court	3.70	210.00	777.00
10/07/11	Manchak	Preparing update on days' (10/5/2011 & 10/7/2011) proceedings in C&H v. Bethel for First Selectman Matt Knickerbocker and Town Attorney Martin Lawlor	1.50	210.00	315.00
10/11/11	Robinson	Conference with Mr. McCreery re strategy (No Charge EPM time)	0.30	335.00	100.50
10/12/11	Robinson	Email to client re Town witnesses;	0.60	335.00	201.00

Connecticut law requires us to advise you that this communication is an attempt to collect a debt.

<u>Date</u>	<u>Professional</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
		email exchange with client			
10/17/11	Sheathelm	At Superior Court: pick up exhibits	0.40	120.00	48.00
10/17/11	Robinson	Begin draft of post-trial brief	6.40	335.00	2144.00
10/18/11	Robinson	Drafting post-trial brief	6.70	335.00	2244.50
10/20/11	Robinson	Email exchange with Mr. Zaccagnino	0.30	335.00	100.50
10/21/11	Robinson	Continue drafting post-trial brief	4.00	335.00	1340.00
10/22/11	Robinson	Email exchange with Attorney Faulkner re: trial	0.30	335.00	100.50
10/24/11	Robinson	Continue drafting post-trial brief	3.50	335.00	1172.50
10/25/11	Robinson	Continue post-trial brief drafting	3.80	335.00	1273.00
10/26/11	Robinson	Continue drafting post-trial brief	4.90	335.00	1641.50
10/27/11	Robinson	Continue post-trial brief drafting	3.00	335.00	1005.00
10/31/11	Robinson	Review expert material; telephone conference with Attorney Faulkner; telephone conference with Mr. Knickerbocker	1.00	335.00	335.00

**Fees** **\$24,743.00**

**Professional Summary**

<u>Professional</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Richard C. Robinson	Partner	59.80	335.00	20,033.00
Benjamin B. Manchak	Associate	22.20	210.00	4,662.00
Kurt D. Sheathelm	Paralegal	0.40	120.00	48.00

**Fees** **\$24,743.00**

**Disbursements**

	<u>Amount</u>
Copy Expense	314.10
Messenger Service	12.50
Deposition	895.73

**Total Disbursements** **\$1,222.33**

**Total Fees** **\$24,743.00**

**Total Disbursements** **\$1,222.33**

**Total Due This Invoice** **\$25,965.33**

**Unpaid Balance from Previous Invoices**

**\$74,628.28**

**Total Due**

**\$100,593.61**

*Attached  
follows*

Town of Bethel  
Matthew Knickerbocker, First Selectman  
Hurgin Municipal Center, 1 School Street  
Bethel, CT 06801

October 31, 2011  
**Invoice # 252112**  
**Matter # 072096.0006**

**Re: Claim of C & H Electric, Inc.**

For services rendered through September 30, 2011

<u>Date</u>	<u>Professional</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
08/31/11	Robinson	Continue trial preparation; outline Crowell deposition; receipt and review of supplemental discovery	6.00	335.00	2010.00
09/01/11	Carannante	Research caselaw on waiving common law rights and providing exclusive remedies per contract in preparation for drafting post trial brief sections on no damages for delay clause	4.30	210.00	903.00
09/01/11	Robinson	Email exchange with Attorney Faulkner re: special defense	0.50	335.00	167.50
09/02/11	Robinson	Attend deposition of Mr. Roche	5.00	335.00	1675.00
09/02/11	Carannante	Research limitation on liability clauses in case law to include in section of brief on no damages for delay clause	1.80	210.00	378.00
09/06/11	Carannante	Research limitation on liability clauses and freedom of contract cases to include in section of memorandum on no damages for delay clause	5.10	210.00	1071.00
09/06/11	Robinson	Memorandum to Ms. Carannante re: research; conduct research re: limitations of liability; telephone conference and email with Attorneys Cunha and Faulkner re: Cordeau deposition, exhibits and witnesses; continue outline of Crowell deposition; telephone conference with Ms. Michaels	4.00	335.00	1340.00
09/07/11	Carannante	Draft memorandum to Mr. Robinson on limitation of liability clauses and parties being permitted to supplant common law through no damages for delay clause	6.20	210.00	1302.00

Connecticut law requires us to advise you that this communication is an attempt to collect a debt.

<u>Date</u>	<u>Professional</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
09/07/11	Robinson	Preparing for trial	7.00	335.00	2345.00
09/08/11	Carannante	Draft memorandum to Mr. Robinson on limitation of liability clauses and parties being permitted to supplant common law via contract; research caselaw to include in same	9.00	210.00	1890.00
09/08/11	Robinson	Conference with Bill Slifkin; prepare for cordeau deposition; various e-mail exchanges with opposing counsel regarding third party deposition matters; prepare Stipulation of Facts (proposed)	6.60	335.00	2211.00
09/08/11	Manchak	Preparing trial-prep outline of architect Michael Sorano's deposition testimony of August 24, 2011.	6.00	210.00	1260.00
09/09/11	Manchak	Preparing trial-prep outline of Morganti project manager Robert Zaccagnino's deposition testimony of August 23, 2011.	5.30	210.00	1113.00
09/09/11	Carannante	Draft memorandum to Mr. Robinson regarding parties' ability to supplant unanticipated delays exception in White Oak; research caselaw for same; strategy conference with Mr. Robinson regarding same	7.90	210.00	1659.00
09/09/11	Robinson	Prepare Cordeau deposition; e-mail exchanges with counsel regarding trial preparation matters	7.50	335.00	2512.50
09/09/11	Manchak	Attending and taking trial-prep notes on deposition testimony of C&H Electric owner Bob Cordeau.	4.50	210.00	945.00
09/10/11	Robinson	Prepare proposed stipulation /proposed findings of fact	5.00	335.00	1675.00
09/10/11	Carannante	Draft memorandum to Mr. Robinson regarding parties' ability to supplant unanticipated delays exception in White Oak	5.90	210.00	1239.00
09/11/11	Carannante	Research caselaw citing to White Oak and rejecting adopting the unanticipated delays exception to add to section in brief on why supplanting the exception does not violate public policy	0.80	210.00	168.00
09/12/11	Manchak	Preparing trial-prep outline of Morganti project manager Robert Zaccagnino's deposition testimony of August 23, 2011	5.80	210.00	1218.00
09/12/11	Robinson	Continue working on Stipulation/Proposed Findings of Fact	7.50	335.00	2512.50
09/12/11	Carannante	Research treatise and case law on	4.20	210.00	882.00

<u>Date</u>	<u>Professional</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
		whether contractor must prove negligence of consultant in preparing asbestos plan to establish Bethel's vicarious liability for defective plans; revise memorandum on unanticipated delay exception to include case law from jurisdictions rejecting that exception			
09/13/11	Manchak	Attending and taking trial-prep notes on deposition testimony of C&H Electric's expert witness, William Prettitore	5.80	210.00	1218.00
09/13/11	Manchak	Preparing trial-prep outline of Morganti project manager Robert Zaccagnino's deposition testimony of August 23, 2011	2.80	210.00	588.00
09/13/11	Robinson	Prepare for and conduct deposition of plaintiff's expert; memorandum to file re: same	10.00	335.00	3350.00
09/13/11	Carannante	Add section to memorandum on no damages for delay clause dealing with states eliminating unanticipated delays exception; conference with Mr. Robinson regarding Spearin doctrine question	1.20	210.00	252.00
09/14/11	Robinson	Various trial preparation activities; negotiate stipulation; review comment on plaintiff's proposed exhibits; identify defendant's exhibits; various telephone conferences and emails relating to these matters with opposing counsel, Mr. Sorrano, Bethel Town Clerk's office and Mr. Schumacher	7.20	335.00	2412.00
09/14/11	Manchak	Composing memorandum addressing some of the implications of C&H expert witness William Prettitore's deposition testimony	2.20	210.00	462.00
09/15/11	Robinson	Select and organize exhibits; email exchange with opposing counsel re: same; draft exhibit list	2.50	335.00	837.50
09/15/11	Carannante	Prepare exhibit books	0.60	210.00	126.00
09/15/11	Sheathelm	Review exhibits for Mr. Robinson with Ms. Carannante; meet with vendor regarding creation of binder copies of all exhibits; coordinate project and send documents off with vendor	0.90	120.00	108.00
09/15/11	Manchak	Obtain from client four binders of documents, specifically, the Building Committee meeting minutes from 2002 through 2007, to be used in preparation for and at trial. Performing document review on new materials (Building Committee minutes) from Town of	7.20	210.00	1512.00

<u>Date</u>	<u>Professional</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
		Bethel, searching for relevant information related to Eagle Environmental's role in asbestos abatement			
09/16/11	Sheathelm	Preparing trial and exhibit binders for Mr. Robinson; deliver exhibits to court	2.70	120.00	324.00
09/16/11	Robinson	Finalize and deliver exhibits' receipt and review of "old" committee's minutes; many email exchanges with opposing counsel and others re: trial preparation matters; continue work on joint stipulation	6.80	335.00	2278.00
09/16/11	Manchak	Preparing for trial; prep outline of C&H expert witness William Prettitore's deposition testimony of August 23, 2011	8.50	210.00	1785.00
09/18/11	Robinson	Trial preparation activities (analyze implications of "new" facts re: Eagle); issue of "undisclosed" abatement; devise defense position; continue work on joint stipulation; email exchange with Attorney Faulkner; email exchange with Attorney Faulkner; email to clients	4.50	335.00	1507.50
09/19/11	Sheathelm	Preparing trial and exhibit binders for Mr. Robinson; correspondence with court to make delivery arrangements for trial materials	1.90	120.00	228.00
09/19/11	Robinson	Preparing for trial	6.50	335.00	2177.50
09/19/11	Manchak	Preparing trial-prep outline of C&H expert witness William Prettitore's deposition testimony of August 23, 2011; Preparing trial-prep outline of C&H owner Robert Cordeau's deposition testimony of September 9, 2011	5.80	210.00	1218.00
09/20/11	Robinson	Prepare for and defend client at first day of trial	6.30	335.00	2110.50
09/20/11	Sheathelm	Review and organize exhibits and trial material for Mr. Robinson; deliver documents and exhibits to Hartford Superior Court	2.00	120.00	240.00
09/20/11	Manchak	Preparing trial-prep outline of C&H owner Robert Cordeau's deposition testimony of September 9, 2011	3.30	210.00	693.00
09/20/11	Manchak	Second-chairing C&H v. Bethel bench trial in Hartford Superior Court	4.50	210.00	945.00
09/20/11	Manchak	Preparing update on day's (9/20/2011) proceedings in C&H v. Bethel for First Selectman Matt Knickerbocker and Town Attorney Martin Lawlor	0.90	210.00	189.00

<u>Date</u>	<u>Professional</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
09/21/11	Manchak	Second-chairing C&H v. Bethel bench trial in Hartford Superior Court	3.50	210.00	735.00
09/21/11	Robinson	Prepare for (2.0) and defend client at second day of trial (3.5)	5.50	335.00	1842.50
09/21/11	Manchak	Preparing update on day's (9/21/2011) proceedings in C&H v. Bethel for First Selectman Matt Knickerbocker and Town Attorney Martin Lawlor; Preparing document detailing and explaining opening statements in C&H v. Bethel trial for use at trial and also for delivery to First Selectman Matt Knickerbocker and Town Attorney Martin Lawlor	1.90	210.00	399.00
09/22/11	Robinson	Prepare for (1.0) and defend client at third day of trial (7.5)	8.50	335.00	2847.50
09/22/11	Manchak	Second-chairing C&H v. Bethel bench trial in Hartford Superior Court	7.50	210.00	1575.00
09/23/11	Robinson	Trial preparation	4.00	335.00	1340.00
09/23/11	Manchak	Preparing trial-prep outline of C&H expert witness William Prettitore's deposition testimony of August 23, 2011; Preparing update on day's (9/22/2011) proceedings in C&H v. Bethel for First Selectman Matt Knickerbocker and Town Attorney Martin Lawlor	4.20	210.00	882.00
09/26/11	Robinson	Prepare for trial	4.50	335.00	1507.50
09/27/11	Robinson	Defend client at trial	7.30	335.00	2445.50
09/27/11	Manchak	Second-chairing C&H v. Bethel bench trial in Hartford Superior Court	7.30	210.00	1533.00
09/28/11	Robinson	Telephone conference with court	0.20	335.00	67.00
09/28/11	Manchak	Preparing update on day's (9/27/2011) proceedings in C&H v. Bethel for First Selectman Matt Knickerbocker and Town Attorney Martin Lawlor; Preparing Revised Defendant's Exhibit List in C&H v. Bethel litigation; Creating spreadsheet tracking the date of each daily foreman's report in Exhibit 512, type of form used, and any comments written in the box labeled "Problems Affecting Progress;" composing memorandum synthesizing this information and analyzing the implications of the evidence;	7.30	210.00	1533.00
09/29/11	Manchak	Preparing trial-prep outline of C&H expert witness William Prettitore's deposition testimony of August 23, 2011	0.80	210.00	168.00

**Fees** **\$71,912.50**

**Professional Summary**

<u>Professional</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Richard C. Robinson	Partner	122.90	335.00	41,171.50
Megan Y. Carannante	Associate	47.00	210.00	9,870.00
Benjamin B. Manchak	Associate	95.10	210.00	19,971.00
Kurt D. Sheathelm	Paralegal	7.50	120.00	900.00
<b>Fees</b>				<b>\$71,912.50</b>

**Disbursements**

	Amount
Messenger Service	188.18
Deposition	212.70
Outside Copy Charges	2,314.90

**Total Disbursements** **\$2,715.78**

**Total Fees** **\$71,912.50**

**Total Disbursements** **\$2,715.78**

**Total Due This Invoice** **\$74,628.28**