

# United States Department of the Interior



National Park Service  
Flight 93 National Memorial  
109 West Main Street, Suite 104  
Somerset, PA 15501

## **Minutes of the Flight 93 Advisory Commission February 20, 2004 9:00 AM – 1:15 PM**

Minutes prepared by Joanne Hanley, National Park Service.

Meeting called to order at 9:00 AM by Superintendent Joanne Hanley, Designated Federal Officer for the Commission.

### **Commissioners Present**

Dr. Brent Glass  
Mr. John Felt  
Ms. Donna Glessner, Vice Chair  
Dr. Ed Linenthal  
Mr. Ken Nacke  
Mr. John Reynolds, Chair  
Mr. Gary Singel  
Mr. Jerry Spangler  
Mr. Dan Sullivan  
Ms. Pamela Tokar-Ickes  
Mr. Greg Walker  
Mr. Michael Watson  
Mr. Calvin Wilson

### **Absent:**

Mr. Jerry Guadagno  
Mr. Larry Catuzzi

### **I. Opening of Meeting and Pledge of Allegiance**

Joanne Hanley welcomed everyone, formally opened the second meeting of the Flight 93 Memorial Task Force and led the Pledge of Allegiance.

### **II. Welcome, Introductions, and Opening Remarks**

Chairman Reynolds welcomed all the Commissioners and noted the Commissioners missing were Jerry Guadagno on account of illness in his family, as well as Larry Catuzzi, and noted there was a quorum. Chairman Reynolds welcomed family members, the public, the press and visiting NPS staff. He thanked Vice Chair Donna Glessner for the beautiful gavel, made by her father from Stonycreek Township wood. Chairman Reynolds also noted that since we met last, he became a grandfather. Not only does this bring joy, but has caused him to reflect on the connection between the family members, the heroes who lost their lives, and the future generations. Chairman Reynolds reflected that we need to not only honor the people on the plane and meet the

needs of the families, but we need to meet the needs of future generations and all of our grandchildren, so they can understand what happened here, why it happened here, and why it is so important to remember.

Housekeeping information from Superintendent Hanley:

- Commissioners need to sign the sheet being passed around.
- Commissioners need to update address, phone, and e-mail list being passed around.
- Out-of-town Commissioners please take sheet of information for travel vouchers being passed around.

### **III. Review and Approval of Minutes from November 14, 2003**

Chairman Reynolds indicated there was a request from Commissioners Felt and Wilson: Can we number the motions so we can refer to them easily? Yes, Hanley will ensure a systematic and consistent numbering system.

Comments on minutes from November 14, 2004 meeting:

Page 24      Change 2003 Commission schedule to 2004 Commission Schedule.  
                  Change Friday July 29 to Friday July 30

Page 16      Appears to continue somewhere else. It is a duplicate paragraph and will  
                  be taken out.

### **Motion 04 01 Regarding Approval of Minutes from November 14, 2003**

Move to approve the minutes as corrected by Commissioner Spangler.

Second by Greg Walker.

No discussion.

All in favor; none opposed.

Motion passes.

## **IV. Reports from the Flight 93 Memorial Task Force Committees and the NPS**

### **A. Archives Committee Report**

Presentation by Ms. Barbara Black, Chair, Archives Committee. Briefing paper was provided as part of Commissioner briefing package. Notes for presentation provided as ***Attachment 1.***

Tributes are steadily being left at the site, as well as by mail. After 2 ½ years, the need to honor and remember the passengers and crew is just as strong as in 2001. The collection numbers well over 10,000 items. Nearly ¼ of that is catalogued, which is no small feat. This is extremely good by museum standards.

There are about 1,000 entries into a computer cataloguing database. This will be accessible for research i.e. “did you get that item I left at the memorial?” If they signed it or if they can describe it, we can punch in the data, and retrieve it.

About 1,000 objects have been placed in a secure, environmentally safe, remote storage area because of the lack of space at the Historical Center. About every two months, large groups of objects there are sent there.

A Cooperative Agreement between the NPS and the Historical and Genealogical Society of Somerset County will soon be signed. The first task will be to hire an Oral History and

Documentation Project coordinator. The second task will be the preparation of the Scope of Collections and Collections Management Plan.

The Historical Society would like to begin interviewing for the Oral History and Documentation Project Coordinator this month, and have someone hired by end of April. This person will report directly to the Site Administrator of the Somerset Historical Center, and will have additional oversight by the Historical and Genealogical Society of Somerset County and the NPS. He/she will coordinate interviews through a large network of national, regional and local volunteers, as well as through the NOVA for the families. He/she will also solicit and collect published and unpublished information from media, but will not attempt to interpret or synthesize material.

The Collection Management Plan will also be drafted and will follow NPS standards.

#### **B. Temporary Memorial Management Committee**

Presentation by Commission Vice Chair Donna Glessner, who is also Chair, Temporary Memorial Management Committee. Briefing paper was provided as part of Commissioner briefing package. Notes for presentation provided as ***Attachment 2***.

During the holidays 1500 people per week visited the site. The “old fashioned” winter in Somerset County necessitated some road closings, but visitors have been there every day – sometimes 100 to 200 people per week in the dead of winter. During the period from November to January, there were visitors from 16 foreign countries and 41 different states. In the 9 months since visitor numbers have been estimated, about 132,000 visitors have come to the site.

A temporary shelter was brought to the site from Assateague Island National Seashore. An additional window was installed by Chuck Wagner.

The brochure was finalized and printed with input from family members, task force members, and community members. Ms. Glessner appreciates all the help. It includes known facts, list of passengers and crew, map of driving directions, an address to where donations can be sent, and a contact for tributes left at the memorial. It will be distributed to visitors, and has been paid for through the NPS. Thanks to Jeff Reinbold for help with the layout and liaison with the printer.

The major improvement project at the memorial will be this summer, paid for by the NPS, with engineering done by the Federal Highways Administration (FHWA) to improve safety at the temporary memorial. There will be expansion and improvement of the parking area on the east side of the road, elimination of parking on the memorial side of the road, a structure to house the vault toilets, grading for drainage, and improvements to the walkway, memorial and landscaping. During construction, the large tributes will be relocated to the parking area on the other side of the road. The contractor will work closely with the temporary memorial management committee to move and replace monuments and structures as construction occurs. Construction will start in late May and continue through June and July. Work will be limited on the memorial side of the road to nighttime only, therefore having minimal disruption to visitors.

Question from Commissioner Linenthal: Does the work at the memorial make the inclusion of the temporary memorial a fait-de-complis for the permanent memorial?

Answer from Vice Chair Glessner: We hope not. We consistently minimize the work to be done as that required for safety, and we try to communicate that. We are trying to not make it appear permanent. It's been a constant struggle to keep the engineers from "over beautifying."

Question from Commissioner Wilson: Are there signs directing people to the temporary memorial?

Answer from Vice Chair Glessner: There are signs at the Buckstown and Lambertsville Road. Adding signs is part of this project. There is an ongoing dialogue about the condition of Skyline Road, and to improve it temporarily; not over improve it.

In the future, Ambassadors will go back to spring and summer hours from 10:00 AM till dark. Many motor coaches are already booked, with more calling. They will also be working on the policy regarding special uses at the memorial, including the placement of large tributes.

Supt. Hanley reported that one of the good things that will happen over the next couple of months, is the detail of Park Ranger Diane Garcia from Allegheny Portage Railroad NHS to the Flight 93 National Memorial as a volunteer coordinator. She will help Ms. Glessner and the volunteers with scheduling and other activities. In fact, instead of working for the Superintendent, Supt. Hanley views Diane as working for Ms. Glessner and the volunteers. Diane has given training to the Ambassadors in the past, and will be at their disposal. Ms. Garcia is looking forward to this time. Her detail will be April through September, three days a week.

### **C. Lands and Resource Assessment Committee**

Power point presentation included as ***Attachment 3***.

1. Discussion of Resolution 03 01 that the Commission passed on November 14, 2003 on the direction for land acquisition and resource protection, presented by Joanne Hanley.

The last time the Commission was together it discussed the need to protect certain areas and resources immediately. Resolution 03 01 was passed, sent forward to the Director, and sent forward to the Secretary of the Interior. It basically stated that there was an immediate need to protect approximately 1400 – 1500 acres of land encompassing the fenced area, the bowl, and the land out to Route 30.

The resolution requested that the Secretary of the Interior approve the resolution and the need to immediately protect this land. The Commission also retained its prerogative to come back in a few months and add additional areas and acres in case there was more protection needed.

On January 27, 2004, Superintendent Hanley and Jeff Reinbold presented the resolution to the Director of the NPS and her staff. Special Assistant Dan Smith relayed three items back to us from the Director. Mr. Smith indicated that he also made a presentation on our behalf to the Assistant Secretary of the Interior, who agreed with the following direction from the Director:

- Immediately proceed with acquisition of core area; the sacred ground.

- Full support of the remainder of 1500 acres recommended by the Commission.
- The Commission should go back and recheck the boundary one more time. Make sure that we have not overlooked any critical area, make sure there are no omissions or missing pieces, and come back with one final recommendation to bring to the Secretary at one time.

The Director and Assistant Secretary indicated that they would prefer we do not come to the Secretary two or more times with first a preliminary boundary, and then a final one in a couple of months.

The recommendation is that the NPS and the Commission continue to work even more closely than before with the Task Force and Resource Assessment Committee in prioritizing resource protection and land acquisition because of the direction and charge given from the Washington office.

### **Motion 04 02: Regarding Lands**

Motion: That the Flight 93 Advisory Commission, with the Flight 93 Task Force, the Families and the NPS, more closely examine the land that is identified for protection around all of the area initially approved by the Commission at its November 14, 2003 meeting, and make the determination by May 14, 2004, if what is being proposed is sufficient, or if additional protection is needed. The Commission, with its partners, will also examine the remaining boundary areas to resolve any potential and/or obvious omissions.

Moved: by Commissioner Singel.

Second: by Commissioner Sullivan.

Discussion:

Question from Commissioner Felt: "How is this motion different from the original sent to us in our briefing packets on February 1, 2004?"

Answer from Supt. Hanley: "The original motion gave a deadline of May 1, 2004 for us to have a recommendation back to the Secretary and Washington office. This would have necessitated delegating authority to the Chair or designee to approve the recommendation. We requested that the deadline be extended to include our May meeting date."

Question from Commissioner Watson: "Anything that is already proposed within the 1500 acres should remain?"

Answer from Ms. Hanley: "Yes. That is the intent."

Vote: All in favor; none opposed.

Motion passes.

Chairman Reynolds made a comment to the family members and public guests present. If there are any questions, please hold them and do not forget. He said they will have opportunity at the end of the meeting to comment.

## **2. Status of Funding – Presentation by Superintendent Hanley**

Supt. Hanley went over a brief status of funding for land acquisition, specifically donated and federal funds. There is \$550,000 in the Somerset Trust and the County Commissioners have graciously indicated a willingness to use these funds for acquisition of the core property areas. This is their highest priority and indeed, a high priority of the Director of the NPS as well.

The NPS is working with the County to develop a process and a method for accessing, prioritizing, spending and accounting for the \$550,000 for the core properties. Use and accounting of these funds will be transparent and open for inspection, and will only be used for direct acquisition related costs; not for overhead, travel or salaries.

The Presidents' budget for FY 05 includes \$2.214 million for land acquisition out of Land and Water Conservation Fund money.

If the donated \$550,000 is combined with \$2.214 million, there will be a total of \$2.765 million available for land acquisition in FY 05. The Realty Office in Philadelphia has estimated that the total land acquisition needs up to this point in time is approximately \$2.8 million, excluding relocation. We are in pretty good shape.

In Randy Cooley's absence, Supt. Hanley briefly gave a report on the status of applying for state funds. Mr. Cooley briefed the Task Force several meetings ago and requested that Westsylvania apply for \$1.5 million grant to the Pennsylvania Department of Conservation and Natural Resources (DCNR) for land acquisition funding on behalf of the Families, until their 501C3 status would be finalized. Their 501 status has now been finalized, and Mr. Cooley has requested that the grant application be transferred from Westsylvania to the Families of Flight 93. The money cannot necessarily be counted upon, so it is not calculated into the available funds.

Question from Commissioner Felt: Is the application process fairly complicated?  
Answer from Supt. Hanley: It is complicated, but I know that Randy has it all under control and is very knowledgeable. But the application process is complete, and the families do not have to do anything except change the name on the application.

### 3. Northeast Region Realty Division Land Acquisition Process and Status – Presentation by Pam McLay, Deputy Realty Officer, Northeast Region, NPS

After the November 14, 2003 resolution passed, it became a federal land acquisition project. To date, the Realty Office has:

- contacted 7 of the landowners, and they have given us consent to proceed with the acquisition process
- developed one legal description
- obtained and received 3 title evidences
- ordered 6 environmental site assessments and received 5 of them
- not ordered any appraisals or made any offers.
- initiated relocation actions on 2 properties.

There are meetings with landowners every day, and our office is waiting for funding to become available. If anyone wants to get in touch with the Realty Office, Supt. Hanley has the name and number. If any family members want to talk about this in more detail, please contact Pam or Joanne directly. This is a very complicated and legal process, and each of these steps cannot be skipped.

### **(New Business)**

While the Commission waited for the next presentation to get set up, Chairman Reynolds asked if we could go out of order, and jump to one of the items of New Business, specifically the suggestion by one of the Commissioners that we use *Roberts Rules of Order*. Hearing no objections, Chairman Reynolds suggested that the Commission generally adhere to *Roberts Rules of Order* in most of the discussions, but when it comes to a complex or controversial issue where it is absolutely certain it must be done according to procedure, that the Commission strictly follow *Roberts Rules of Order* exactly and specifically, and designate a Parliamentarian. Jerry Spangler has agreed to be the Parliamentarian when the Commission come to a difficult issue on which there needs to be precision.

Chairman Reynolds asked if there were any objection to Jerry Spangler being the Parliamentarian or to using *Roberts Rules of Order*? Commissioner Glass indicated that we close the nominations! No formal vote was taken, but all were in agreement.

Break for 10 minutes.

### **D. NPS General Management Plan and Memorial Ideas Committee**

Presentation by Jeff Reinbold. Power point presentation is provided as **Attachment 4**. Mr. Reinbold went over the planning process schedule. The first phase, creating a vision, is almost complete. Its purpose was to create a mission and solid foundation upon which to base decisions, as well as to understand the resources. The second phase is to enter into the design competition and to chose a design. The third phase is to develop a management plan for the memorial.

Mr. Reinbold indicated that the displayed chart will change somewhat before the next Commission meeting. The givens are the NPS planning process requirements, the National Environmental Policy Act (NEPA) requirements and the Environmental Impact Statement (EIS) requirements. The design competition has always been the wild card. A design competition advisor is about to be. Several people were interviewed yesterday, and more interviews will be done today and tomorrow. The competition advisor will be critical to better refine the competition. By the next Commission meeting in May, the boxes in the chart may change due to further refinement and to reflect the input of the advisor.

Mr. Reinbold continued to define why it was important to lay a strong foundation before we go to design, i.e. the purpose, significance, themes and mission statement of the memorial. Jerry Spangler and Esther Heymann led their committee in defining these statements. The foundation leads to the parameters for design, and will transition over to Gina Farfour and Tim Baird for the design program and goals for the memorial.

Mr. Reinbold reviewed all of the data gathering, reports and mapping studies being done. These are needed before the design competition, as well as eventually for the EIS, for construction, and for a solid database for the future management of the memorial. For examples, even though 5' contour maps are sufficient for the competition, 2' maps are being done because they will be better for construction needs. Also as an example, the viewshed analysis will be useful for boundary determination.

Two types of maps will be available shortly. First will be a constraints map (i.e. soil suitability, construction suitability, habitat, steep slopes, floodplains, HAZMAT, archeology, etc.)

Question from Commissioner Wilson: Will these maps locate utilities as far as what we have out there?

Answer from Mr. Reinbold: I have not put that up, but yes, we will do that as part of this.

Another map will be a resource base map that will contain the contour information, elevation, surface waters, vegetation, viewsheds, landscape character, etc.

As an example, the cultural landscape inventory map was shown to the Commissioners, and which was prepared by the Olmstead Center of the NPS, Northeast Region.

Mr. Reinbold said that the consultants are being pushed to have the constraints and resource maps done by April. From now until then, drafts will be circulated as they become available.

Question from Commissioner Felt: Was the last map, the cultural landscape inventory, an overlay with an USGS map or a topo? Ultimately, will it be transferred and put onto the new map so there is a common and consistent base?

Answer from Mr. Reinbold: Yes. One of our consultants is putting a GIS map together for us so we will be able to share and transfer information. There are issues when combining different sets of information, but we will combine them into one system for one set of comprehensive maps; one contour base in GIS.

Chairman Reynolds discussed whether or not the Commission should act on the motion related to the GMP and EIS presented in the briefing package, which reads: *The Commission authorizes the Chairman or his designee to work with the NPS on its behalf, and to concur on any decisions or direction relating to studies, mapping or reports for the GMP and EIS.* Chairman Reynolds indicated that he had a long discussion with NPS staff yesterday, and would like to share that discussion.

Discussion by Chairman Reynolds: This Commission is not an operating Commission. The NPS and its partners are the “operators” of the process. It seemed to Chairman Reynolds that this motion is dealing with the operation of getting things done and is not an appropriate motion for us. We should decide on this. However, this does not mean, that any Commissioner cannot interact directly with Jeff or Joanne on the staff to help to think through these activities and processes. We need to get the right information at the right time, without the Commission having to vote on every detail. The way that it is working, i.e. with the interaction-taking place automatically and with everyone having the opportunity to have input is a better way. It is up to the entire Commission.

Question from Chairman Reynolds: Any thoughts?

Commissioner Wilson: With the deadlines getting closer, we need to streamline the process for decision-making for contracts and consultants, and we should empower the folks that are here in the operating capacity to make those decisions.

Supt. Hanley: The Commission has already delegated the authority to the NPS to contract on its behalf, so this motion is really redundant.

Chairman Reynolds: This motion could also have unintended effect of limiting the discussions of all the Commissioners with the staff, and channeling communication to just one person on the Commission.

Commissioner Felt: I concur that the Commission is a policy making body and should look at big picture. At the same time, we wear more than one hat as individuals. I come from the school that the devil is in the details. All of us should have the opportunity to go into the depth of information as we feel it is appropriate on any given activity given background and interest.

Commissioner Spangler: If no one makes the motion, then the status quo will remain in effect.

Question from Chairman Reynolds: Does anyone want to make this motion?

Commissioner Glass: I do not want to make the motion but wanted to ask whether or not there is a particular subcommittee doing this work already?

Mr. Reinbold: Most of the information gathering is working with the Resource Assessment Committee.

Chairman Reynolds: The type of information being gathered depends on what committee it falls under. Even though it appears complicated it works and flows well within the structure of the Task Force. We ask that the NPS continue to report to us, and that Commission members feel free to work with the NPS and Task Force on any issue or activity that is appropriate.

Commissioner Singel: Does someone have a strong need to make this motion or do something about this? This seems like Task Force business.

Mr. Reinbold: This motion originated with Joanne and myself, and our concern was not waiting for 3 months in between meetings. But the relationship and involvement of partners is working well. We still have the freedom to move things forward with the more mundane issues, and will keep you briefed.

No one wishes to make this motion.

Chairman Reynolds requested that the minutes reflect that the Commissioners are encouraged to have open communication and dialogue with the NPS and Task Force. As an example, the level of discussion that comes up in Task Force Executive Committee meetings is really good, and the level of discussion in full committee meetings is equally as good, and the staff benefits from this. Chairman Reynolds urged the Commissioners to not be shy in making their desire to participate known to staff.

#### Presentation by Commissioner Jerry Spangler and Esther Heymann for the Memorial Ideas Committee

The draft mission statement is provided as **Attachment 5**.

This committee has been soliciting ideas for the mission statement as follows:

- They extended the comment period for public input through December 31<sup>st</sup> on the website.
- They had workshops at two Task Force meetings – one in August and one in November.
- They had a family meeting on the West Coast.
- They had a community workshop in Shanksville.
- They had follow-up contact with family members to encourage their participation.
- They identified all first responder agencies involved in the recovery effort and did a special mailing to them.
- They received over 400 comments; some through the mail and some electronically.

A small working committee was formed to summarize the comments. They did an absolutely outstanding job. Members were:

Donna Glessner (Advisory Commission Vice Chair, Task Force member)

Barbara Black (Task Force member)

Kiki Homer (family member, Task Force member)

Gina Farfour (family member, Task Force member)

Kathy Shaffer (Task Force member)

The summary is available on [buildmng.com](http://buildmng.com). That is the source of information the Mission Statement Committee is using to draft the mission statement.

The Mission Statement Committee has gotten a draft out to the Memorial Ideas Committee, the Executive Committee of the Task Force, tomorrow to the full membership of the Task Force, Sunday to the family board, and then it will go to the family organization as a whole. The Commission also has a copy of the draft.

The Mission Statement Committee will try and have approval by the partners by the next Commission meeting.

Question from Commissioner Wilson: How soon will we have a mission statement. How close are we? Are there obstacles?

Answer from Commissioner Spangler: I do not know of any obstacles. But we recognize that we are dealing with sensitive issues, making people think about things and deciding in which direction we want to go. Our process is to try and make sure we look at all the perspectives and potential controversies ahead of time. We would like comments within the next two weeks.

Commissioner Wilson: Will there be a problem getting the mission statement done in time for the design competition manual?

Answer from Commissioner Spangler: No.

Question from Commissioner Felt: As a follow-up, in the design manual, it will be desirable to impart the concept that the memorial is a park, 1500 acres of land. Sometimes people who are thinking about it are only thinking of a relatively small core, or a bowl. But this is a relatively large piece of real estate. Everyone should be made aware of that so they are thinking on a larger scale. Any thing that might be helpful to a designer should be added to what you have now.

Commissioner Spangler: Our approach from the beginning has been to recognize that there will be memorial features, the hallowed ground, but we will be looking at the entire 1500 acres. We want to start working with the design solicitation committee to come up with a common vocabulary. A park seems to be too recreational. We use Flight 93 National Memorial to reflect the whole site, we are trying to come up with a common vocabulary for the memorial feature within the national memorial.

Commissioner Felt: People are saying it should be very quiet, serene and reverent, but they also need to recognize that we will need a parking lot for 400 or 500 automobiles.

Question from Commissioner Linenthal: Will family members have a good amount of time to sit with the draft and look it over?

Commissioner Spangler: We are looking at two weeks.

Commissioner Sullivan: Will the mission statement be re-issued after revision?

Commissioner Spangler: Yes.

Chairman Reynolds thanked the folks who have worked so hard on this. He shared with the Commission the fact that as he read it and reflected on it with the perspective of having planned many parks in his career, he found himself wishing that he had something this wonderful to begin with in many of the planning projects in which he was involved. He understands that it is extremely important during this time frame of review that we listen very closely to anyone who wants to have input. But it is also important to know and have confidence in the fact that the draft document from which we are working is already very good. He thanked everyone again.

Commissioner Spangler noted that the answers to the first questions that were asked in outreach, have raised additional questions, and those will be worked through with the design solicitation committee.

Mr. Reinbold commented that as the mission statement is read, and if there are questions as to why there isn't more detail, for example – where is the guidance on landscape – please know the next group is working on all of these things.

Chairman Reynolds wanted to make sure that the minutes reflected the hard work of the Mission Statement Committee, and that the draft that they provided for the partners to review was extremely professional and well done.

#### **E. Design Solicitation Committee**

Presentation by Tim Baird and Gina Farfour

The Design Solicitation Committee is working very hard, especially in getting closer to hiring the design competition consultant. Sandy Felt is chairing the subcommittee to interview and recommend the consultant. This subcommittee has worked very hard and very quickly in trying to turn this thing around.

Request for Proposals (RFPs) were sent out to six firms. They had responses/proposals from four of them. Two interviews have already been held; one will happen today and one will happen tomorrow. They would like to recognize this subcommittee and all of the hard work they have done and continue to do:

Sandy Felt, Chair (family member, Task Force member)  
Kiki Homer (family member; Task Force member)  
John Felt (family member; Advisory Commissioner)  
Esther Heymann (family member; Task Force member)  
Betty Kemmerer (family member; Task Force member)  
Ben Wainio (family member; Task Force member)  
Barry Hoover (land owner; Task Force member)  
Calvin Wilson (family member; Advisory Commissioner)  
John Reynolds (Advisory Commission Chair)  
Keith Newlin (NPS)

There is always someone to step in and do something very quickly, and Gina and Tim appreciate the efforts.

The four firms from which proposals were received are:  
Leibman/Malcolm Partnership, NY, NY  
Design Competitions International, Boston, Massachusetts  
Stastny/Fried, Portland, Oregon  
Liskamm/Spreiregen, San Rafael, California

As soon as the consultant is hired, the two foundations that have already offered to fund the competition will be approached, with two things in mind. The first is the fee for the consultant, the second is what the entire competition is going to cost.

The video to send out with the design booklet is still being worked on, and still about 16 minutes in length. There are two motions from this committee.

**Motion 04 03: regarding the Design Solicitation Committee**

Motion 04 03 supercedes Motion 03 06 from the Design Solicitation Committee, and approved by the Commission on November 14, 2003, in which it was the intention for Penn State to manage the design competition consultant contract.

Motion: That the Design Solicitation Committee manages the contract for the design competition consultant on behalf of the Families of Flight 93. Since the Committee will not have the support of technical expertise of Penn State, the committee will rely on the expertise of the NPS for technical assistance as part of an oversight-working group.

The Oversight Working Group will operate as a management team for the project, with its leader(s) being the chair(s) of the Design Solicitation Committee. They will be expected to report to the Design Solicitation Committee on a regular basis, as well as to the Executive Committee of the Task Force, to the Families of Flight 93 and to the Flight 93 Advisory Commission, seeking motions and resolutions as appropriate.

Moved: Commissioner Pamela Tokar-Ickes

Second: Commissioner Jerry Spangler

Discussion:

Comment from Commissioner Felt: Please make sure the motion is clear that it supercedes another motion from November 2003.

Vote: All in favor; none opposed.

Motion passes.

Since the consultant interviews will be concluding tomorrow, and do not want to wait until the May meeting to have this approved by the Commission, the following motion is presented.

**Motion 04 04: regarding the Design Solicitation Committee**

Moved: The Committee requests that the Commission delegate the authority to accept the recommendation of the consultant selection committee to the Chair of the Commission or his representative.

Moved: Commissioner Calvin Wilson

Second: Commissioner Dan Sullivan

Discussion:

Comment from Commissioner Spangler: The process the committee has gone through, as well as with the caliber of firms who submitted proposals impresses him. It is a step in the right direction.

Question from Vice-Chair Glessner: Do you have a plan in case you do not think any of the four firms are appropriate?

Answer from Gina Farfour: At first we were worried, but after the two interviews through which we already have gone, it is not an issue.

Answer from Tim Baird: But the back-up plan would be to work quickly and find more people.

Comment from Commissioner Felt: The first two interviewees were very impressive and capable, and we have two more to go. We have a good field from which to choose.

Comment from Vice Chair Glessner: I recall the experience from Oklahoma City, and noticed that there is a termination clause in the draft contract.

Comment from Tim Baird: That is a reality.

Question from Vice-Chair Glessner: When have you asked this person to start working?

Answer from Tim Baird: Very quickly. We gave them the schedule and are seeking input from them in their interviews so they can hit the ground running.

All four understand this need to move quickly.

Vote: all in favor; none opposed.

Motion passes.

Chairman Reynolds wanted to say two things to Ms. Farfour and Mr. Baird. First and foremost he thanked them. Second, he noted that the Commission is glad that the right two people are heading this up. He said that they have done hard, amazing and very well done work. Everyone appreciates it.

Chairman Reynolds took a moment to ask Keith Schmidt to raise his hand. He introduced Mr. Schmidt as the Pennsylvania State Director for Senator Rick Santorum. Chairman Reynolds thanked Mr. Schmidt for coming and being interested. Mr. Schmidt thanked the Commission and everyone for all the work they are doing, and wanted everyone to know that they had the full support of the Senator. He said he will try to attend as many of these meetings as possible.

#### **F. Fundraising Committee**

Power point is provided as ***Attachment 6***.

Three items will be covered:

1. Contributions Received (presented by Rick Stafford)

Heinz Endowment and Knight Foundation have made commitments to the design solicitation process. The Schwann Corporation has made an in-kind contribution of a wonderful work of art. Consol Energy has donated a fairly significant piece of property with no restrictions. Activity proceeds.

2. Progress on Preparation of Funding Plan and Process for Funding Consultant (presented by Rick Stafford)

A plan is needed to which this Commission, the other partners and the NPS/Congress can all agree; yes, this is how we need to proceed. A professional consultant is needed to assist us with that. An RFP was drafted, which was part of the Commission briefing package. There are four steps the consultants were asked to think about:

- collect input from concerned and affected parties
- draft an initial plan
- test the feasibility of that plan
- finalize the plan for presentation to partners and approval

The fundraising consultants will be interviewed, and recommendations will be made by the following Fundraising Oversight Group:

Chair Rick Stafford (Task Force member)

Patrick White (family member, Task Force member)

Gary Singel (Advisory Commissioner, Task Force member)  
Jennifer Price (family member, Task Force member)  
John Reynolds (Advisory Commissioner)  
Joanne Hanley (NPS)  
Jay Vestal (National Park Foundation)

Proposals were solicited from 11 firms; five did not submit proposals. The following firms sent proposals:

Odell & Simms Associates  
AFRAM & Ryan Inc.  
Rediger Taylor Group  
Ketchum Viscern  
Linden Partners  
Charles H. Benz Associates

The interview process will begin this afternoon. The cost estimates ranged from \$20,000 to \$155,000. The ultimate cost will probably be subject to negotiation. The time frame for planning ranges from 10 – 15 weeks. Some challenges in funding will be to identify the overall funding goal, its government and private sector components, reaching the overall goal, and engaging the public.

Question from Commissioner Wilson: What do you mean by engaging the public.

Answer from Mr. Stafford: It's not just about raising the money, but raising and cultivating long-term friends and relationships. Questions to consider in the future, and which will be addressed in the plan are "should we have some sort of auction event, should we engage school kids and how, public mailing, engagement of public figures, TV ads, etc." Those mechanics, and how we chose them, will be critical.

Question from Commissioner Watson: Do we have a sense of what can be funded by the government and what the government should fund?

Answer from Supt. Hanley: We are currently developing cost estimates based on computer models (these models are required in our cost estimating for park facilities) for a visitor center, museum storage, maintenance facility and the memorial feature, based on assumption. There are probably some logical things that the public would want to fund as opposed to the government funding. It would make more sense to have the memorial itself funded with private dollars, as opposed to road construction; the visitor center funded with private dollars as opposed to the maintenance facility. The appeal is important and gives the donors the opportunity to choose what they would want to fund. Maybe a private donor would want to fund roads!

Question from Commissioner Watson: Is there an endowment to be a part of this?

Answer from Mr. Stafford: I think there should be, but that has not been decided.

Question from Commissioner Spangler: Does the 10 – 15 weeks include the feasibility study?

Answer from Mr. Stafford: Yes.

Question from Commissioner Linenthal: This will be a very public face to this whole process. There are two types of public faces that don't get thought about very much; one is this kind of stuff because there is nothing in this culture that cannot be commercialized. Another is bookstores and gift shops. What is the process that we as Commissioners go through so that this commemorative road

race we are going through ensures that we don't have "chewing gum dispensers" for example. Who is going to make the decision?

Answer from Mr. Stafford: First, that is exactly the sensitivity we are talking about when we engage the public and should be something we all agree to and understand ahead of time. And we are hiring the consultant to help us have this very discussion. We are already facing this. We have had requests for coffee cups, and other things. But we are saying yes to nothing. We are waiting until we have an agreed upon, tasteful and approved plan.

Answer from Supt. Hanley: There are a couple of other safeguards as well. Any of the fundraising plans and feasibility studies done for the benefit of the national memorial have to be approved by the NPS, and we have really strict commercial guidelines about what is and isn't appropriate related to cause and brand related marketing. In addition, we do not take money from alcohol or tobacco companies, and when we do take donations from private companies, they must be vetted to make sure there is no conflict of interest or litigation. With the RFP, we included the NPS guidelines.

Comment from Rick Stafford: They also understand the four partners have to approve the plan.

Comment from Jennifer Price: Dr. Linenthal sounds just like me with voicing my concern. She noted she was the person on the fundraising committee saying stop to all of these ad hoc activities being proposed. The worst thing we can do is to misstep early. This is a heartfelt issue for the families. The families feel very strongly about this one.

Comment from Sandy Felt: We need policies in place. There is eagerness out there and if we do not do something very soon, this will become a quagmire.

Comment from Commission Tokar-Ickes: Glad to hear the committee is looking at public engagement. You saw a slide earlier that showed \$550,000 in unsolicited donations that immediately began pouring in. It is so nice to hear the committee is focusing on the public – because they public has already engaged themselves in this process. The floodgates cannot be held back much longer.

Comment from Chairman Reynolds: Maybe one way to start a policy, starting with us on the Commission is to get a copy of the NPS standards. It is the minimum standard, and we can make it tighter. We will post it on buildmng.com.

Question from Commissioner Sullivan: When do you expect to get a goal?

Answer from Rick Stafford: When we come back on May 14<sup>th</sup>, we should have a goal by then. Is that right Joanne? It should be the "working hypothesis." The goal has to be set by what is needed for the plan.

Comment from Joanne Hanley: The hard thing to estimate is "the memorial" itself. The visitor center, museum storage, maintenance, roads, etc are all currently being developed through modeling and assumptions which will be itemized for everyone's review.

#### **Motion 04 05: regarding Fundraising**

Motion: The Commission endorses the proposal that the Families of Flight 93, Inc. retain the professional consultant recommended by the Funding Oversight Working Group to prepare and recommend a Plan of Funding to implement the purposes outlined in the Flight 93 Memorial Act.

Further, that the Commission delegate the authority to the Chair of the Commission, or his designee, to concur with the recommendation of the Funding Oversight Working Group in the selection of the consultant, and that through the Designated Federal Officer, the appropriate NPS and Interior staff are kept fully briefed.

Moved: Commissioner Jerry Spangler

Second: Commissioner Ed Linenthal

Discussion:

Question from Commissioner Linenthal: Mr. Chairman, does the language in the motion give you the authority to also not concur?

Answer from Chairman Reynolds: I would assume it does. Would you like us to amend it to say "concur or not to concur?"

Comment from Commissioner Linenthal: I will rely on your sense of what needs to be done.

Comment from Chairman Reynolds: What I would say, is that the way the committees have worked so far, everyone bends over backwards to reach consensus before we get too far along. I think the ability to not concur is inherent. Would you agree with that Rick?

Comment from Mr. Stafford: Yes. I would even go so far as to say that if we have so much trouble reaching consensus, we should perhaps back away and revisit our choice.

Question from Commissioner Watson: This consultant will be working for the Families of Flight 93?

Answer from Mr. Stafford: Yes. The Families of Flight 93 will have the contract with the consultant. They are the logical correct one to retain the consultant. The Families however, will delegate oversight of the consultant to the Oversight Committee.

Comment from Chairman Reynolds: Under old business, we will come to a discussion of how these recommendations will get made by the partners, and transferred up to the Families for a final decision.

Vote: all in favor; none opposed.

Motion passes.

### 3. Status of the Fundraising Agreement (presented by Supt. Hanley)

There are four legal parties to the agreement: Families of Flight 93, Flight 93 Advisory Commission, NPS and National Park Foundation. All parties must agree to consultant.

(Three requests from the public: When the Commissioners speak can they identify themselves? Can Commissioners speak more loudly? Can we go around the table and introduce ourselves?)

Supt. Hanley introduced Hedrick Belin, National Park Foundation, who will be our day-to-day contact. Mr. Belin made a few comments. The NPF is pleased to be working with the all of the partners. The NPF is a Congressionally chartered non-profit started in 1967 to benefit national parks. They forge all sorts of partnerships with the private sector, including, foundations, individuals, and corporations. Last fiscal year they generated over \$52 million in private sector support to benefit all 388 parks across the system. They are very excited to be involved. Jay Vestal and Mr. Belin work with parks all across the country on these site-specific efforts. Mr. Belin has worked with Joanne before on Fort Necessity, and he is pleased to be working with everyone on this project. Mr. Belin stated that Director's Order 21 (NPS) is an excellent document that provides a lot of sideboards and parameters to ensure that fundraising is consistent with the mission of the NPS. At the same time, within those confines, a fair amount of money can be raised. Mr. Belin will be around for two days and will be pleased to answer any questions.

Supt. Hanley gave an overview of all of the reviews and steps taken so far to have the Fundraising agreement signed. She indicated a consultant can be hired to do the feasibility study and planning without the agreement, but no funds can be accepted until there is an agreement. This is a high visibility agreement, so it is getting more scrutiny than one in a smaller, less visible national park. The NPS Regional Solicitor, the family attorney, all of the partners, the Philadelphia Regional office of the NPS, the Washington Office of the NPS, and Dept. of Interior Solicitors have all reviewed the agreement.

Supt. Hanley and Jeff Reinbold went to the Washington office to present the agreement; fundraising agreements right now are getting lots of scrutiny, and so it is critical to do it right. Meetings were held with the NPS Partnership Office and the agreement was presented; the first round of reviews are being completed. After getting the comments, it will be again distributed to the partners to comment on the Washington comments, and then send it back up to Washington yet again. The approval for the Fundraising Agreement is at the Director level, but because of the high visibility, the Secretary's office will probably be offered the opportunity for a briefing. Supt. Hanley indicated that they have our pulse on who is where, and what and when with all of our reviews so they do not lose track.

### **G. Family Memorial Committee and Families of Flight 93**

#### **1. Family Memorial Committee** (presentation by Commissioner Ken Nacke)

An East Coast family member workshop was scheduled to get input for the mission statement, but a snowstorm hit and there was very low attendance, but very good dialogue with a few people anyway. He indicated he would like to reschedule the East Coast and maybe a mid-west meeting. A two-day workshop was held on the West Coast, to gather information and ideas, as well as provide information. In the west about 16 people representing 10 families participated. It was very moving, and everyone realized how the time difference makes it really important to be sensitive to the West Coast families in getting their concerns and ideas heard.

#### **2. Families of Flight 93** (presentation by Jennifer Price, President)

Ms. Price acknowledged that so many family members were at this meeting, and she was very pleased to see that. It is not that easy to come, either emotionally or physically. Thanks!

There is a Families of Flight 93 board meeting open to all family members on Sunday. She said everyone is hoping that all family members can come and interact. The Board is in town and many will be at the Task Force. She said that the Families of Flight 93 have created a role for themselves, being the non-profit and helping to make all this happen. Family members are involved in every single committee and in every decision. They are excited about playing that role.

One thing for the Commissioners to understand is that the Families are a completely volunteer organization with no staff. The address for the organization was her house, but is now being moved. They get no compensation. The Families cannot manage someone on a daily basis, so they rely on all the partners. No staff but no overhead.

And to the family members, Ms. Price wanted to relay that this was very exciting. Through all the past meetings, phone calls and work, everything is coming together. It finally feels like the organization is getting somewhere. It is only because of the efforts of everyone, and much thanks is given.

Question from Commissioner Linenthal: A difficult question but one that has real implications for the design process. Have you figured out a process within the family group what will be done with the tissue? This does have design implications.

Answer from Ms. Price: Yes, we are thinking of this. There are two of these types of questions on our agenda for Sunday. One is sacred ground and is that area going to be limited forever to just family members, or just a period of time? We have been working with NOVA on that as they have been very helpful as we deal with grief. That will be the first issue to tackle. Second, the issue of tissue is very tough. That is not a decision to come to easily. People have such a range of feelings. We have talked with Wally Miller about this. We feel comfortable talking to him. This issue is not a majority thing. The process for deciding this, will be rough and we will need help from NOVA. This is NOT a decision for the Family Board.

Comment from Ken Nacke: We also discussed how we bring this up and who brings this up? This throws a big wrinkle into the design, but this is one that must take its time and take its course. Everyone is at a different grieving stage.

Comment from Ms. Price: I am not sure that the design implications for whether or not the common tissue should remain on site, is as critical to the design as the issue of family access.

Comment from Commissioner Linenthal: At some point, when the person that runs the competition sends out the rules, there will be the question of whether or not there is a possibility that the common tissue will be buried on site – yes, no or maybe??

Comment from Ms Price: Maybe. 96% of our loved ones are already there. Maybe it's not as critical that these identified remains are also there. This is a topic for Sunday.

Comment from Commissioner Calvin Wilson: I realize how difficult this is, but these two points are a major focal point in design. Even though we all are at different points of grieving, but the majority of us want to see this memorial completed. As much as it pains us, it is an important subject. This whole entire project is based around those emotions, and we need to understand what we want to do. The worst thing that can happen is if we omit it, and then come back and have to insert it mid-stream. That stops the process, reverses it, and costs more money.

Comment from Commissioner Felt: I would like to agree with Ms. Price. The second point she brought up is more difficult and has less design implications. But the first point includes not only what should be cordoned off to the families, but also what treatment should be given to the land, i.e. building placement on the land or the landscape itself.

Comment from Ms. Price: There are those who have chosen to be involved in this process, and those who have not. But this is an issue that is very sensitive to all families. Just because you have not been involved in the memorial process does not mean you should not have an important say in this. That is why we have been working close with NOVA.

Question from Commissioner Glass: Is it possible to summarize other major concerns of the families?

Answer from Ms. Price: What is our role in the process? Initially the role was to get family members involved, and we have been very successful with that. Now what is it? We are coming to some resolution on that. Another issue is how to run the non-profit and communicate around the country. Other family concern is

communication. Those of us who are here represent the 500+ people who came to the first year anniversary. How do we effectively communicate. It is very challenging. Some folks don't want to hear now, but in six months they may. The board is only 15 out of the 40.

Comment from family member Sandy Dahl: Some family members just don't want to be told what to do. Folks will wonder why we have the authority to tell them what to do.

Question from Terry Moore, NPS: Is there a concern on the part of the family members that there will be commercialization beyond the 1500 acres in the park?

Answer from Ms. Price: Yes. But a lot of family members are plugged into the committees.

Comment from Gina Farfour: She indicated that she has also been working on a questionnaire for NOVA to send to the family. It has many questions that need to be addressed.

Comment from Ms. Price: We have also been trying to define our mission into the future. Obviously it is to help sustain a permanent memorial. But is it also lobbying Congress? After a year of discussions, we have focused on the permanent memorial instead of trying to be many things to many people.

Chairman Reynolds ended this session by thanking all of the family members, and by asking them to keep the Commission informed as to whether they are going too fast, not fast enough, what issues are being addressed or not addressed. He stated that the timelines are great to have, but timelines mean nothing if it gets in the way of what truly should happen. The Commission wants the direct input of the families, please. In terms of what will happen around the site, there is a presentation happening tomorrow that should have been in the paper today, but is not. Mr. Ed McMahon will be talking tomorrow at the Task Force meeting about how the surrounding counties and township can get involved in determining what happens around the memorial. Chairman Reynolds asked that everyone attend if they could and urge friends and neighbors to attend as well.

#### **H. Administration Committee**

Presentation led by Gary Singel and Joanne Hanley

In November, the Administration Committee was charged with developing a spending plan for \$200,000 in technical assistance and aid in planning and designing the memorial. Mr. Singel and Supt. Hanley went back to each Task Force Committee and asked each chair to submit needs and send them in for review. On February 2, 2004 there was an Administration Committee conference call to finalize list to this point. The funding being discussed is the funding used to operate the task force; not for buying land, building the memorial, etc. The \$200,000 is statutory aid and is appropriated for certain items. The list of expenses was itemized in the Commission briefing packet sent to each Commissioner. This \$200,000 in funding must be obligated by the end of this fiscal year – September 30, 2004.

The total request for funding submitted from all committee chairs was \$816,000. The additional request of about \$617,000, not covered by the statutory aid, will be covered from other sources, such as NPS GMP funds, family funds, etc. Some costs are not certain, such as the design competition cost and the fundraising consultant cost. Some of those costs will be covered from Foundations who have already stepped up to the plate.

One of the issues with statutory aid, is that if it is not spent by September 30, 2004, it is lost. And that does not mean spending it on September 29. It will probably have be obligated by July/August. All of the Task Force Committee Chairs are encourage to work with Supt. Hanley to access the funding as soon as possible.

The Administration Committee motion was revised to reflect that the Vice Chair instead of the Chair would work with the NPS and Task Force Committees because she is locally available and is incredibly responsible as well.

**Motion 04 06: regarding the Administration Committee**

Motion: The Commission accepts the recommendations of the Administration Committee and directs each of the Committee Chairs to work with the National Park Service to ensure that the funding is obligated by the designated end-of-year deadlines for FY 04.

Moved: Commissioner Gary Singel  
Second: Commissioner Mike Watson  
Discussion: none  
Vote: all in favor; none opposed  
Motion passes

**Motion 04 07: regarding the Administration Committee**

Motion: The Commission delegates the authority to the Vice-Chair of the Commission and the Chair of the Administration Committee to approve the use of the remaining funds on behalf of the Commission, and to do so in consultation with the Superintendent, Flight 93 National Memorial.

Moved: Commissioner Gary Singel  
Second: Commissioner Dan Sullivan  
Discussion: none  
Vote: all in favor; none opposed.  
Motion passes.

**V. Old Business**

**A. Commission Meeting Times**

Discussion led by Chairman Reynolds. There was some concern this time that when the Commission was in Executive Session from 7:30 AM – 9:00 AM, there would not be enough time to deal with sensitive and confidential issues. The question on the table is whether the morning should be dedicated to Commissioner discussions or briefings, and the afternoon to the meetings. There is no proposal, but an open discussion is desirable.

Discussion

Question from Commissioner Watson: How long do you think we need in hours to do this?

Answer from Chairman Reynolds: Maybe six or seven hours.

Comment from Joanne Hanley: When the Commission goes into closed session there are no decisions made. Frequently the reason for the closed meetings is because we are talking about privacy act issues concerning landowners. There are only briefings on things, which require sensitivity.

Comment from Vice-Chair Glessner: From an organizational viewpoint, it might be easier if the sequencing of the Commission and Task Force meetings were reversed. Task Force first, then Commission. Even though we already discussed this at our last meeting, maybe we should revisit it.

There was continued discussion on this. The end result was that times will be determined based on content and subject for each meeting. It will be left as it is, and adjusted as necessary on a case by case basis. The record should show that nothing will be fixed that is not broken.

## **B. Contracting**

Discussion led by Joanne Hanley. This topic was moved from New Business to Old Business. Contracting is a short way of saying “Guidelines for Decision-Making Pertaining to the Allocation of Donated or Other Funds.” At the last Commission meeting, the Commissioners gave direction after the fundraising presentation to present some guidelines at the next Commission meeting on the topic of decision-making among the partners. A draft is provided as ***Attachment 7***.

Supt. Hanley read part of the attachment to the group. She explained that two levels of decision-making were identified. The macro level – for example – is raising perhaps \$25 million. How will that be allocated? Another level of decision-making is at the specific project management level.

The Families of Flight 93, the NPS and the Commission are the legal signatories to the agreement (NPF is not involved in decision-making per se). Legally, they are the “decision recommending” body. But Supt, Hanley would go back to the NPS to get input from her constituencies, John Reynolds would go back to the Commission to get their input, and Jennifer Price would go back to the families to get their input on these decisions. These three “heads” of the partner organizations would meet on a regular basis and make the recommendations. Ultimately there has to be a bottom line as to who will make the recommendations/decisions on how that funding will be spent. That will be the three legal decision making bodies. Regardless of how those recommendations are made, they will not occur in isolation. Each one of partner “heads” will go back to their constituents, ground truth and get concurrence.

Ultimately however, Congress has delegated all decision-making authority as to what will happen on NPS land, to the NPS. So the three decision-making signatories to this agreement, after getting input from all the partners, will forward the final recommendation to the NPS as to how this funding will be spent.

Comment from the family member Sandy Felt: So if the families disagree with you, you will do whatever it takes to get it done, regardless of what the families say.

Supt. Hanley asked Ms. Felt to hold that thought for a moment, because the exact opposite situation will come in the next scenario. She indicated it is a really good thought, but please hold it.

Supt. Hanley went on to illustrate that once the decision at the macro level to allocate a certain amount of funding for a project is made, those projects can then be managed either one of two ways. If the NPS manages the contract, NPS contracting regulations apply.

But many times it would be more advantageous for the families to be the contracting agent. In those instances, working oversight groups are formed. The NPS Solicitor has recommended that whoever holds the contract, must be the final decision-maker. So for instance, if the contract is with the families, they are the final decision makers. Oversight committees can make the recommendations to the families, but the families will make the final decision.

So, there is a certain amount of trust involved both ways. In the big decisions there is an inherent amount of trust with the Task Force making recommendations to the Commission. There will be an inherent amount of trust given to the NPS, as well as to the families. So far it has worked well.

#### Discussion

Comment from Sandy Felt: There is always room for some disagreement. If the NPS wants to pay for something that we think is overpriced, they will go ahead and do it regardless of what the families think, right?

Question from Dan Sullivan: Aren't we going to build a budget around this whole process so we know how much and what the target dollars are.

Answer from Supt. Hanley: Yes, and that budget will not be developed in isolation.

Comment from Sandy Felt: The message I am trying to convey to you, and I think Sandy Dahl mentioned it earlier, is that the family members do not want to be told what to do. I would sincerely object to being told that this is the way things will go, regardless of whether or not the families agree.

Comment from Chairman Reynolds: One of the issues we need to face is one of liability. This is designed to recognize that there are legal requirements no matter who has the contract, and that entity has the legal decision making authority that goes along with the contract. Then there is the partnership that has grown over the last 2 ½ years. The partnership and the legal entity can only come together through trust and representation. What this process is designed to do, is to have as open a dialogue and communication as necessary, but when the decision has to be made, liability needs to be taken into account so people are covered. It's trying to meld the partnership with the legalities. And it always has to rely on trust.

Comment from Sandy Felt: The issue that I see is accountability. We are going to go out looking for funds, and to some extent we are accountable to those people who give the funds. If Joanne decides that we are going to use the money in a particular fashion, we are going to have to explain to these people what is going on. Sandy will then have to say look, I don't agree with this, but I am being told this is what I have to do. I suspect that the donors would say, well, goodbye to you.

Comment from Chairman Reynolds: What this is trying to do is to face those issues before they come up. It's always possible that what you are describing is going to happen, but our objective, through discussions and trust, is to make sure it never happens. You may say, I understand why you have to do it that way, but I still disagree.

Comment from Jennifer Price: I would like to make the point that the Families of Flight 93 have not agreed to this legal arrangement yet because our attorneys have not looked at it, and we are taking on some legal responsibilities. Currently our insurance structure does not support this and we do not want to give the impression that we are already there.

Comment from Chairman Reynolds: This also attempts to take care of the issue of what your insurance does not cover. An oversight committee does all the work, discusses things, gets input from partners, but we still need the legal entity to take on the responsibility. It's complicated.

Question from Commissioner Wilson: What are you asking us to do with this?

Answer from Chairman Reynolds: All the partners should take a hard look at it and have discussions. We need to do the best that we can do to close the gap between partnership and legal advice. It has to be talked out.

Comment from Commissioner Watson: It seems like we are getting the cart before the horse. We need to know what the design of the memorial is, before we go out and raise funds for it. If you went to a foundation today and asked for money for a memorial that you had no idea what it looked like or cost, we wouldn't give you any money. Seems we need to get the design and the budget and then go out and do fundraising for that. I know there are individuals who are giving. When you start talking about big dollars from foundations or corporations, they need to know specifics. Give them a choice, endowment, design, construction, etc.

Comment from Commissioner Felt: But in order to know what the memorial is going to be you have to have some sort of a ballpark budget.

Comment from Commissioner Watson: I think if your design people come up with a design that everyone wants and approves, then you can go out and get the funding you need.

Comment from Chairman Reynolds: But we can also tell the designers what the budget is, for example, not to exceed \$5 million, or \$20 million.

Comment from Commissioner Watson: Your fundraising consultant should be able to tell you what is feasible amount of money to be raised around this concept.

Comment from Supt. Hanley: We have received feedback from a number of foundations who have told us that we know you don't know what you are going to build, you don't know how big it will be, what it will look like, or what exactly will be there. But we need a maximum and minimum range of costs estimated. We will have that back to the Commission by the next Commission meeting.

Comment from Chairman Reynolds: Lets get back to the discussion on the recommended decision-making process. There will be no action today on the process. Study it, send your comments to Joanne, ask for more clarification, and get deeply involved in what this looks like, especially the families.

## **VI. New Business**

### **A. Parliamentarian**

The new business of parliamentarian was taken care of earlier in the morning when we had a few extra minutes.

### **B. Commission Meeting Dates**

Joanne Hanley reported that the May Commission meeting date is final, however the July 30 and October 22 dates were tentative. Should we decide now?

There was discussion on whether to keep these dates or change them based on our work plan and schedule of milestones. Chairman Reynolds asked that all of the Commissioners let Joanne know whether October 15, 22 or November 5 is better. Joanne will send an e mail asking for best dates and times, and then notify everyone.

## **VII. Citizens Open Forum**

Question from Albert Youngblood representing the family of Wanda Green: I need some clarification. The memorial design – are we soliciting for a particular design for the impact site or are we going to solicit a design for a national park, the whole 1500 acres? I work for an engineering firm, and they said when you design a park, that is a whole different ballgame, than designing a particular feature in the park. Can you clarify?

### Discussion

Answer from Commissioner Reynolds: That is such a good question. The answer is that it is the whole park. The two interviews that we have done so far with the consultants to lead us through the design competition have both recognized that it is different to design a memorial as opposed to a whole park. We are encouraged by the fact that they recognized the difference that you pointed out. But it is for the whole site.

Comment from Commissioner Felt: We have discussed this quite a bit, philosophically back and forth. I am a supporter of looking at the whole park in a general, generic way, with the advice that the focal point is the memorial. The submission for the memorial is of much greater detail.

Comment from Mr. Youngblood: I think what they need to consider is that when you ask people to submit a detailed design for a memorial, they may not have experience in designing a national park. We may be limiting our resources to big engineering firms, as opposed to engineering students that may be able to come up with a design to go into a park.

Comment from Chairman Reynolds: The consultants we have spoken to have all brought this very point up. There are ways to do both. You could have another stage, you could chose people who have really good ideas and pair them up with large firms as the final process goes on. How to put all of that together is a big issue and we will really be relying on our consultants. One thing both consultants have said so far is that one of the reasons they bid on this project is because of the uniqueness of the larger overall concept as opposed to just designing one feature. They are excited about this.

Comment from Commissioner Watson: One consultant may be hiring several other consultants to have a broader context of work.

Comment from Mr. Youngblood: I thought we were reaching out to the public for input. But please forgive me, this is only my second meeting, am I misinterpreting?

Comment from Esther Heymann: You are right, we are reaching out to a broad public. This consultant we are hiring right now will not do the design, but lead us through the design competition process.

Comment from Tim Baird: The competition will present a conceptual design. You will not be able to take what is presented and go build a national memorial. Once those ideas are accepted, then whoever is the winner will have to work to go into construction documents so it can be built. The first stage is to recognize that it may be from a non-trained designer but it's a great idea. Maybe they will be asked to team up with professionals for the second stage.

Question from Sandy Dahl, wife of Jason Dahl: How will there be a decision made on what design is chosen? It sounds like you are interviewing 6 consulting firms. The firm that is chosen, how will they come up with the design?

## Discussion

Answer from Commissioner Felt: No, the person that we are about to hire will organize a process to solicit designs. He or she will set the rules with our input and hopefully there will be hundreds or thousands of submittals. We haven't even hired the one to organize and put out the application yet, so we haven't come up with the process for deciding. A jury process will be set up to look at all the many designs that come in and narrow it down to a small number of finalists. Question from Sandy Dahl: Are the families going to be looking at the designs and having input.

Answer from Joanne Hanley and Sandy Felt concurrently: Yes.

Comment from Chairman Reynolds: What is interesting from these two interviews is that the question is always asked to the applicant whether family members should be on the jury. The first one said absolutely yes. The second one said absolutely no. So we all reacted to that. But then he explained why absolutely no. Because no matter whom else you put on the jury, family members will overpower the people just by the fact that they are there. Both of the consultants said there are many ways to involve family members to the degree the jury is absolutely conditioned to know exactly how family members will feel. They gave an example of Women's Right National Park where there was a bunch of radical feminists, and they didn't know what to do with them. They actually got scared of them. The night before the jury, they organized a dinner at which all these women were allowed to speak, and the jury had to be there. The jury members all said that it absolutely changed how they looked at the final design submissions. That is not to say it is the right way to do it. The answer to your question however, is that there is more than one way to ensure that family voices are heard and deeply involved. How we figure that out is wide open. That will take all of the families taking to us, as well as the Task Force. Comment from Sandy Felt: Another interesting point is that we have 40 family members, which of those people can sit at the table.

Comment from Sandy Dahl: Another thing that motivated my question relates to how the World Trade Center (WTC) design was picked. I saw the final 8 – 10 designs on AOL and voted for my top three favorites. The top three I picked were the exact same ones that were picked by the national poll. But those were not the finalists in the actual competition. What motivated this? Finances or something other than what was wanted there? I bring this to your attention because I do not want ours to be chosen or run like this.

Comment from Jennifer Price: All these smaller decisions that we are making about fundraising, consultants etc, from a family perspective, we are laying the groundwork for an effective process and for making larger decisions later. As the voice of the families in many of these conference calls, I have not felt excluded at all and I feel the families have a significant voice. As long as this continues we will be in good shape.

Comment from Sandy Dahl: Now we see that this process is going somewhere, and it feels that it is kind of getting away from us at the same time. Its going fast, and I appreciate it, but I feel concerned about it possibly being taken away.

Comment from Chairman Reynolds: Don't lose your concern.

Comment from Joanne Hanley: I would like to read you something with which I always preface my briefings, whether it be to the Washington office, Congress, or the public. "The concept of a Flight 93 National Memorial has been, is and will continue to be a partnership among the NPS, the Families of Flight 93, the Commission and the Task Force." I must say that in hammering out the ground

work for a potential decision making process, it was such a refreshing thing to talk about the “what ifs.” Before any problem occurs, it was good to talk about what if this happened, or what if that happened. How would we handle and deal with it? We have had some really good candid conversations on the phone with the board members.

Question from Beverly Burnett, mother of Tom Burnett: I want to thank everyone for stepping forward. My suggestion is that we not call the memorial the “park.” It is the Flight 93 National Memorial. “Park” connotes picnic tables and such, and it is a solemn memorial. Also if I come to a meeting again, I would like to see the documents ahead of time that everyone is looking at, and see what is going on.

#### Discussion

Answer from Joanne Hanley: I really appreciate that comment. I was hoping that the family members would have gotten a copy of the briefing package ahead of time. There was an e mail sent about two weeks ago from me through Carole O’Hare telling the families that the briefing package was posted on buildmng.com. Allison Vadham sent out the briefings by snail mail.

Comment from Bev Burnett: I remember seeing that, and my husband I both spent a good portion of the day reading the responses to the questions asked of the public and families on the web. Will that be made available to the public?

Comment from Jeff Reinbold: All the public comments are posted on the website right now and we are working on how to allow the public to read everything on the public site, that you can read on the buildmgr.com site.

Comment from Joanne Hanley: A lot of us at this table appreciate the comment you made about calling it a park. It’s really hard for us sometimes to not say “the park” because of our NPS habits and culture. We really do know it’s a national memorial. What we try to do is say “the unit of the National Park Service.” Does that make sense and is that more palatable?

Comment from Chairman Reynolds: I suggest that those of us who are or were associated with the NPS forget the idea that Congress made 23 different designations for units of the national park system. We just say “park” for everything instead of trying to remember which of the 23 designations it is. But I will personally take on the mission to make sure all of us associated with the NPS say national memorial instead of the generic term “park.”

Question from Derrill Bodley, father of Deora Bodley: It’s great to see all of you again. What story will be told at the memorial? That story is probably the central focus of what the mission is. That story involves all of the family members and crew. It is not a myth. It’s a story that has to be supported. I don’t know how we do that as family members, as Task Force members, or the Advisory Commission. For example, alternative myths have been presented, not by individuals, but by investigations going on in the Congress, independent investigations such as buried in the 1100 pages of documents that “family members and crew didn’t have that much to do with bringing the plane down.” In the intelligence investigations people have listened to partial conversations, and they don’t hear other conversations therefore they only have partial information. How do we advocate our story, which is not a myth, as opposed to myths being promulgated in public record? All of us must think about this in order to make this a success.

#### Discussion

Comment from Sandy Dahl: I met with the US attorney office a couple of months ago and was told by him that the real story is not out there anywhere yet. My

suggestion would be to wait until the Moussoui (SP) trial when they will release all this information that they have not released yet. The Smithsonian has not done much yet with Flight 93 for this very reason, they were told to wait for the facts that have not been released yet. They do not want their evidence thrown out. Her suggestion is to just hold off. Flight 93 facts are just not out there yet. Comment from Barbara Black: One of the trusts that we have is to get the facts right, and that is what we are looking to do with this coordinator who will be collecting as much information as is available. We know some information is being held back and we will not have access to that for a while. With this project that we are starting, which is going to involve a tremendous amount of people who will help us do this. We will be gathering as much information as possible all into one place so that we can tell a complete story. The way to do that is to have all of the family members help us do this. Give us parts of the story and help us. We cannot know all of the places where all of this information resides, although we do have a start of quite an archive. We are going to need all of your help in pulling this together in one spot. We are not to the point where we are analyzing this yet for a story. The first step is just to get it all together.

Comment from Sandy Dahl: I was told that this information will be available hopefully by next spring. I just do not want to rush into writing something now with missing pieces.

Comment from Commissioner Wilson: The saving grace is that it should not affect the design and construction of the memorial feature. The decision will be made on how it will look i.e. a building, a wall, or a landscape. But we have time to work on the story later.

Comment from Chairman Reynolds: Before I retired, I was involved in Manzanar National Historic Site where Japanese people were interred during WWII. I would ask the citizens to be very vigilant that someone does not try to force us to tell the wrong story. There was an effort at the early years of the site at Manzanar by folks who were imprisoned in Japan, to not tell the story of the Japanese people at the sites in this country. This was overcome, but it was not overcome because the government took the initiative, but because citizens took the initiative, which included those veterans who opposed this, but eventually came to agreement as to why it was important to tell the story. So please stay vigilant in your concerns.

Comment from Commissioner Linenthal: Your very different challenge is to define an intimate landscape memorial, or what is done on the site, and then what define what is done at a visitor center or a museum. At the visitor center, you will need to choose narratives, relics, whose narrative gets chosen. It's our sacred duty not to rush. But it is also the case that there may well be mysteries about this event that we will never reach consensus on with anyone. At that point a narrative has to have the integrity and honesty to leave some things unanswered. The Sixth Floor Museum does this beautifully in Dallas. The conspiracy theories are popular, and the museum does not judge them as true or false. It may well be there are things that are razor's edge kind of things to do. It must be done carefully and provincially and not rush to erect something quickly.

Question from Sandy Felt, wife of Edward Felt: Relating back to the funding and the policy issues, you said we would get guidelines from the NPS as to what they might be. We didn't decide what we would do with them, and who would start working on them, and building some sort of policy that needs to be in place.

Discussion

Answer from John Reynolds: My suggestion would be that the family members, Task Force and Commission members get some of those and form a committee to look at them and make some suggestions.

Comment from Sandy Felt: Perhaps we should present it at the Task Force meeting tomorrow.

Comment from Supt. Hanley: There is a Fundraising Committee meeting tomorrow afternoon. Would that be the place to address it?

Comment from Jennifer Price: We have started that conversation with the Fundraising Committee, and once we get the consultant on board we can have more clarity as this emerges but it is on the table.

Chairman Reynolds closed the meeting at 1:15 PM and thanked everyone for coming.

A summary of approved motions is provided as ***Attachment 8***.