

Newtown Board of Education Virtual Meeting
CIP/Facilities/Finance Sub-Committee Minutes
June 23, 2020, 6:00 p.m.

Call to Order: The BOE CIP Sub Committee meeting was called to order at 6:01 by Mr. Delia.

Participants: Dan Delia, Chair, Sub-Committee, Ron Bienkowski, Director of Business, Dr. Michelle Ku, Chair, Board of Education, Robert Gerbert, Director of Operations, Deb Zukowski, Sub-Committee, Debbie Leidlein, Sub-Committee, Matthew Ritter, Shipman & Goodwin

Pledge of Allegiance

Item 1 Discussion of Non-Lapsing Fund and Regulation

Mr. Delia invited Matt Ritter, with Shipman and Goodwin, who is one of the Board of Education's Attorneys to discuss the legal issues and language of the Non-Lapsing Fund proposed regulation.

Mr. Ritter gave a quick outline of his practice and what he does as an Attorney for Boards and Town Municipalities. He stated the best advice he can give regarding General Statute 10-248a is it is meant to be a mutually cooperative relationship. The Statue involves Board and Town powers and it relies on cooperation between the two sides. Mr. Ritter then reviewed questions that were presented to him from Ms. Zukowski (attached) and discussed the language within the General Statute 10-248a to give the sub-committee a better understanding. Due to a technical issue with the video portion of this discussion, this section is in audio only and can be accessed by clicking the following link:
<https://viewer.earthchannel.com/PlayerController.aspx?&PGD=newtownct&eID=467>

The discussion turned to the draft of the regulation that Mr. Bienkowski developed. Mr. Bienkowski stated he tried to make it comprehensive in addressing a number of issues and asked Mr. Ritter to review it and give us some advice and responses. Mr. Ritter will review the draft regulation and clean up the language and make comments to reflect the policy that was recently approved and will forward the regulation back to the sub-committee for their review.

Item 2 Discussion and Possible Recommendation of the CIP

Mr. Bienkowski reviewed the CIP. The Head O'Meadow project numbers were adjusted to reflect a better number on the boilers and lighting project at \$850K. Mr. Bienkowski also stated he took the Hawley property off the first 5 years. Everything else is the way the sub-committee discussed the CIP plan over the last meeting.

Mr. Gerbert discussed the projects of the HOM boilers and lighting project and separating out the costs. He stated during the budget season he counted the lighting fixtures at 713. At an allowance of \$500 per fixture and with adding lighting controls and exterior lighting it would bring the cost to \$400-\$425K range. With the boilers, the cost per boiler is \$100K, adding in the pumps, a small boiler for water heating, electrical, controls etc., the cost would run to about \$350-\$400k.

Mr. Delia stated that was a savings of about \$200K from the original cost on the CIP. Mr. Gerbert said he is not accounting for any rebates. He said there are a couple of avenues for rebates in the lighting.

Ms. Zukowski asked what would be the loss or gain in separating the lighting and boilers from HOM in Year 3 to identify them.

Mr. Bienkowski stated that by separating them it could be a flag for debates with the possibility of pushing one of the projects into another year.

Mr. Delia stated as an energy project he felt more comfortable leaving them together.

Mrs. Leidlein stated with energy projects we have typically left them together. She indicated she felt better to leave it as is.

The Sub-Committee recommended to bring the CIP as it now stands to the Board at their next meeting.

Item 3 Budget Transfers for 2020-2021 (for salary adjustments)

Mr. Bienkowski talked about the budget transfers that are necessary to re-align the budget lines with the salary adjustments that were approved at the last Board of Education meeting. Since he put this together he has had further thoughts to do this as a budget adjustment. The advantage would be to re-align the budget numbers so that when we work on next year's budget we don't have to be concerned with the transfer column. This schedule would be reformatted with budget line numbers with pluses and minuses to show what the original budget is, what the adjusted budget is and the amended budget will end up being. We will always have this detail as a separate schedule instead of the transfer it will be an adjustment schedule.

Mr. Delia stated he was in full support of this and the Sub-Committee agreed.

Item 4 Information Only – HAW Engineering

As of June 19th the town awarded the project of the Hawley Air Quality Improvements Project to Christopher William Architects out of the five companies as being the most comprehensive which they displayed how they are going to deal with the environmental and climate control aspects.

Item 5 Approval of May 27, 2020 BOE CIP Sub Committee Minutes

Mrs. Leidlein moved to approve the minutes of May 27, 2020. Ms. Zukowski seconds the motion. All in favor. Motion passes.

Public Comment: No public comments

Adjournment:

Mr. Delia asked for a motion to adjourn the meeting. Mrs. Zukowski moved to adjourn the meeting. Mrs. Leidlein seconds the motion. All in favor. Motion passes and meeting was adjourned at 7:20 pm.

Respectfully Submitted,
Joanne Morris

THESE ARE DRAFT MINUTES AND ARE SUBJECT TO THE APPROVAL OF THE BOE CIP/FACILITIES/FINANCE
SUB COMMITTEE

Thank you for helping us make better sense of the implications of amendments to CT General Statute 10-248a. I have three types of questions: 1) trying to figure out if/when appropriations processes apply, 2) understanding the boundaries/issues around how the fund can be used to help our district more reliably provide educational services for our district, and 3) checking the meaning/impact of the word “deposited – just to be sure.”

General statutes referenced in questions below.

Section 10-248a, as amended:

For the fiscal year ending June 30, [2011] 2020, and each fiscal year thereafter, notwithstanding any provision of the general statutes or any special act, municipal charter, home rule ordinance or other ordinance, the board of finance in each town having a board of finance, the board of selectman in each town having no board of finance or the authority making appropriations for the school district for each town may deposit into a nonlapsing account any unexpended funds from the prior fiscal year from the budgeted appropriation for education for the town, provided (1) such deposited amount does not exceed [one] two per cent of the total budgeted appropriation for education for such prior fiscal year, (2) each expenditure from such account shall be made only for educational purposes, and (3) each such expenditure shall be authorized by the local board of education for such town.

Section 10-222 (excerpts):

“Each local board of education shall prepare an itemized estimate of the cost of maintenance of public schools for the ensuing year... Except as provided in this subsection, any such board may transfer any unexpended or uncontracted-for portion of any appropriation for school purposes to any other item of such itemized estimate. ... If any occasion arises whereby additional funds are needed by such board, the chairman of such board shall notify the board of finance, board of selectmen or appropriating authority, as the case may be, and shall submit a request for additional funds in the same manner as is provided for departments, boards or agencies of the municipality and no additional funds shall be expended unless such supplemental appropriation shall be granted ...”

Questions about need for formally approved appropriations

1) *Does the language in section 10-248a: “notwithstanding any provision of the general statutes or any special act, municipal charter, ...” [and as expanded with items (2) and (3)] mean that the local board of education could use the funds for items, including capital expenses, without going through an appropriations process as set forth in the town charter, as long as the use is for educational purposes?*

2) *Does the prior appropriation status hold for funds as provided in the “itemized estimate” referenced in Sec. 10-222 remain? That is, if the funds are used for an item that was included in the budget, are they considered being used as previously appropriated? Or, do all funds deposited into the fund become just generally assigned to “educational purposes” and are therefore considered, effectively, appropriated as such because of the act of depositing the money into the fund?*

Questions about potential longer-term planning uses for the fund.

From what I understand, the primary impetus of the legislation was to encourage districts to refrain from “spending down” their balances at the end of the year. What to do with the money once in the fund seems, at best, ill-defined from the perspective of the statute. At this time, the amount available in the fund is only increased (replenished) when there is a budget surplus, meaning that using the fund for long-term planning is likely not prudent.

Again from what I understand, using any balance to offset the next year’s budget is troublesome in that it makes it look like the following year would have a higher-than-expected increase. Therefore, it seems like the “best” use would be for capital projects.

However, if a district preferred to use the fund for “smoothing” out unanticipated operational expenses, like special education expenses that exceeded the budgeted amount in a given year, it would be helpful to be able to depend on the funds being replenished for future such needs. *Is there anything in the legislation that would prohibit money being added to the fund from other sources, if the town and school board agreed to such a process?*

Question about the added word “deposited”

Was the reason for adding the word “deposited” simply to make the association to the “may deposit ... unexpended funds” more concrete, grammatically speaking? I’m concerned that some may interpret the change to be a cap on the total amount in the fund, and question additional deposits should the resulting fund amount exceed 2% of the BoE budget.

Thank you!

d. Any unbudgeted expenses that become necessary due to unforeseen conditions or due to situations that are required for the health and/or safety of all students and personnel, including the community at large. Such conditions may include the following priorities: (This should not be construed as a limiting list)

1. Uninsured or excluded property damages, claims, or deductibles
2. Long term building and facilities upgrades
3. Uncovered legal settlement costs
4. Safety and security measures (Immediate or desired)
5. Pandemic or health related threats, (viruses, food borne illness, etc.)
6. Contamination expenses and or cleanups
7. Medical benefits (transfer to self-insurance), pensions or OPEB reserves
8. Technology infrastructure failure, hacking, ransom, etc.
9. One time non reoccurring expense payoffs (leases, assessments)
10. New or innovative program development
11. Professional studies, reviews, engineering, safety, etc.
12. Storm cleanup and or repairs to buildings and property
13. Expenditures of a larger nature that only happen occasionally and have longer term benefits
14. Local funding match requirements for competitive grants
15. General budget shortfalls
16. Other unknown events (at this time)
17. ~~<delete this?>~~

The Board of Education must approve any expenditures from this Non-Lapsing reserve fund. The Board of Education also reserves the right to expend such funds for other purposes, given that priorities may change over time.

The fund should not be used to offset operating costs that are normally included in the Board of Education's annual operations plan. (Electricity, insurance, personnel, etc.)

This reserve fund balance comes from an appropriation that was approved by the voters (Taxpayers) for educational purposes. That being the intent, it should be used for such. It should not be a consideration for other Boards, bodies or groups to request that it be used for other than what the Board of Education priorities are. It should also not be considered a source for budget reduction by other Boards, bodies, or groups during the budget development process.

The Board of Education will advise the Board of Finance whenever it votes affirmatively to use any funds in this account and what its intended purpose is, and also secure their approval before any expenditures are made or planned from the fund. It will always be the Board of Education's intent to have public, properly noticed discussions regarding any proposed uses of the Non Lapsing Account (Reserve) balance.

Commented [3]: I added "due to" because I was reading that health/safety applied to both unforeseen conditions or situations. The "due to" makes the clause apply more explicitly to just situations.

Commented [4]: I don't see how this (along with items 10, 11) are examples of "unforeseen conditions or unsafe/unhealthy situations."

Maybe there is another bucket to add to d., like "or for planned projects that benefit the school community and that make sense to fund from the account."

Commented [5]: I think you are saying the funds cannot be considered a revenue stream to offset the calculated mill rate. I just wonder if this language might be misunderstood to mean that the fund could not be used to cover any shortfall from these items at the end of the fiscal year even though you say earlier that "General budget shortfalls" are an example of use of funds.

Maybe the language could be something like "The funds should not be used as an alternate funding source to cover operational costs budgeted at the beginning of the fiscal year."

Commented [6]: Assuming the prior paragraph, which seems to say the same thing, applies only the the BOE and this paragraph applies to everyone else, my question is whether this is enforceable. Is there a way, short of getting the other boards to put similar language in their policies/regulations to stop them from deciding funds can be used?

**Board of Education
Non-Lapsing Fund - DRAFT for discussion**

5/21/20

The Board of Finance for the Town of Newtown established a Non-Lapsing Fund in accordance with Connecticut General Statutes 10-248a¹ on May 12, 2014 from the Board of Education's request. This fund has accepted year-end expenditure balances for each year since 2013-2014 when it was first established.

The Board of Education may designate all or part of any remaining (unaudited) expenditure balance for a given fiscal year to be allocated to the Non-Lapsing Account, subject to the approval of the Board of Finance. This shall occur annually after the Board of Education's books are closed each August.

Commented [1]: Just curious... What happens if the audit finds issues that change the ending balance?

The amount of the allocation cannot exceed the percentage of the total budgeted appropriation for education for such prior fiscal year as referenced in C.G.S. 10-248(A).

The amounts deposited to the fund shall not lapse at the end of each fiscal year and shall be able to accumulate without limitation. Unexpended amounts will remain in the account for use during the current and subsequent fiscal years.

Funds in the Non-Lapsing reserve may be expended at the sole discretion of the Board of Education, with the Board of Finance approval, for any of the following non-recurring expenses associated with maintaining the public schools in the Town of Newtown:

Commented [2]: If we frequently use funds for Special education budget shortfalls, is this really "non-recurring?" Do we need this word?

- a. Any Capital expenditures which have been previously approved in the five year Capital Improvement Plan
- b. Emergency conditions or replacements to capital items not previously included in the five year Capital Improvement Plan with a recommendation by the Board of Education
- c. Special Education expenses – segregated in a separate account, specifically for expenditures as enumerated in the March 20, 2018 resolution establishing a Special Education Contingency line.

1

Sec. 10-248a Unexpended education funds account. For the fiscal year ending June 30, 2020, and each fiscal year thereafter, notwithstanding any provision of the general statutes or any special act, municipal charter, home rule ordinance or other ordinance, the board of finance in each town having a board of finance, the board of selectman in each town having no board of finance or the authority making appropriations for the school district for each town may deposit into a nonlapsing account any unexpended funds from the prior fiscal year from the budgeted appropriation for education for the town, provided (1) such deposited amount does not exceed two per cent of the total budgeted appropriation for education for such prior fiscal year, (2) each expenditure from such account shall be made only for educational purposes, and (3) each such expenditure shall be authorized by the local board of education for such town.

Business and Non-Instructional Operations

Non-Lapsing Education Fund

The Newtown Board of Education (Board) may request the Town's Board of Finance deposit into a non-lapsing account any unexpended funds from the Board's prior fiscal year general operating budget, provided such amount does not exceed the percentage of the total budgeted appropriation for education for such prior fiscal year as referenced in C.G.S. 10-248a.

Prior to any expenditure from the Non-Lapsing Education Fund the Board of Education shall vote to authorize such spending. The transfer of monies shall follow the process as laid out in policy 3160 (Budget Procedures and Line Item Transfers).

The Board may designate these funds for a specific purpose. The Board will expend these funds for such previously designated specific purpose except that they may also be used for other planned, extraordinary or emergency expenditures which may be necessary but not otherwise budgeted.

The account shall be subject to the annual audit as required by State statute. The Board shall review the fund balance on an annual basis.

(cf. 3160 – Budget Procedures and Line Item Transfers)

Legal Reference: Connecticut General Statutes

10-222 Appropriations and budget 10-248a Unexpended education funds account

**NEWTOWN BOARD OF EDUCATION
SUMMARY - CAPITAL IMPROVEMENT PLAN
2021/22 TO 2025/26**

**For discussion by CIP/Finance
Subcommittee 6/23/2020**

INITIAL FIVE YEARS

NO BONDING

Year 1 Year 2 Year 3 Year 4 Year 5

CIP Item #	Location	Description of Project	2021/22	2022/23	2023/24	2024/25	2025/26	TOTALS
1	Hawley Elem.	Ventilation, HVAC Renovations	\$4,199,720	\$0				
8	Hawley Elem.	Generator - 80KW <i>(whole school reduced to essential components only)</i>				\$0	\$250,000	\$4,449,720
9	Middle Gate Elem	Energy Project window modifications				\$0	\$1,000,000	\$1,000,000
6	Head O'Meadow	Boilers, water heater, VFD & pump replacements with LED lighting			\$850,000	\$0		\$850,000
3	Reed Intermediate	Install high efficiency gas boilers & LED lighting conversion		\$1,539,894	\$0			\$1,539,894
4	Middle School	Engineering for ventilation and A/C renovations		\$300,000	\$0			
5	Middle School	Ventilation, HVAC, Auditorium, Media center, replace rooftop units '98			\$3,782,228	\$0		\$4,082,228
2	High School	Replace/restore stadium turf field & track (17th year)	\$795,000	\$0				
7	High School	Create turf practice field rear of school					\$1,100,000	
-	High School	Rear Practice fields facilities and storage <i>(moved back one year)</i>					\$0	\$1,895,000
TOTAL COSTS OF ALL PROJECTS			\$4,994,720	\$1,839,894	\$4,632,229	\$0	\$2,350,000	\$13,816,843
TOTAL TO BE BONDED			\$4,994,720	\$1,839,894	\$4,632,229	\$0	\$2,350,000	\$13,816,843

Previous BOE approved CIP amounts (November 6, 2019)	\$4,712,000	\$1,752,730	\$4,565,812	\$2,000,000	\$2,504,000	\$15,534,542
Difference to previously approved plan	\$282,720	\$87,164	\$66,417	-\$2,000,000	-\$154,000	-\$1,717,699

Eligibility for project inclusion on the CIP is that the cost must exceed \$200,000.
2017-18 Reimbursement rate 36.43%

Construction inflation estimate

6.0%

NEWTOWN BOARD OF EDUCATION
SUMMARY - CAPITAL IMPROVEMENT PLAN
2026/27 TO 2030/31

For discussion by CIP/Finance
Subcommittee 6/23/2020

SECOND FIVE YEARS

Year 6 Year 7 Year 8 Year 9 Year 10

CIP Item #	Location	Description of Project	2026/27	2027/28	2028/29	2029/30	2030/31	TOTALS
	Hawley Elem.	Classroom renovations '21 section (ceilings, lighting, floors, etc.) Purchase unrightly House/land adjacent to school (1.06 acres) Repave entire parking lot, curbing, sidewalks Elevator to cafe	\$0 \$318,000	\$1,011,240 \$0	\$1,378,000 \$0	\$0 \$0	\$0	\$2,707,240
	Sandy Hook							\$0
	Middle Gate Elem	Repave entire parking lot, curbing, sidewalks Complete kitchen renovation Ventilation, HVAC Renovations		\$1,378,000	\$397,500	\$0	\$300,000	\$2,075,500
	Head O'Meadow	Replace/update A/C Re roofing/restoration		\$2,696,640	\$6,179,800	\$0	\$0	\$8,876,440
	Reed Intermediate	Repave entire parking lot, curbing, sidewalks Re roof entire building (solar remove & reinstall \$225K)	\$3,710,000	\$2,120,000 \$0	\$0			\$5,830,000
	Middle School	Repave entire parking lot, curbing, sidewalks Window replacements (front of building) Library and science lab renovations Complete kitchen renovation	\$795,000	\$3,710,000 \$0	\$1,685,400 \$0	\$0	\$1,000,000	\$7,190,400
	High School	Re roofing/restoration HVAC equipment replacements Athletic/Stadium field house and storage Rear Practice fields facilities and storage (moved back one year)	\$2,921,360 \$954,000 \$0	\$0 \$1,685,400	\$0	\$0	\$5,300,000	\$10,860,760
TOTAL COSTS OF ALL PROJECTS			\$8,698,360	\$12,601,280	\$9,640,700	\$0	\$6,600,000	\$37,540,340
TOTAL TO BE BONDED			\$8,698,360	\$12,601,280	\$9,640,700	\$0	\$6,600,000	\$37,540,340

2020 - 2021

**NEWTOWN BOARD OF EDUCATION
TRANSFERS RECOMMENDED**

JUNE 23RD FOR JULY 7, 2020

6/18/2020

AMOUNT	FROM		TO		REASON
	CODE	DESCRIPTION	CODE	DESCRIPTION	
ADMINISTRATIVE					
\$6,319	100	Certified Salary Adj.	100	Administrative Salaries	To allocate funds for salary adjustments
\$12,640	100	Non-Certified Salary Adj.	100	Supervisors/Technology Salaries	To allocate funds for salary adjustments
\$1,111			100	Continuing Ed./Summer School	
\$5,849			100	Clerical & Secretarial Salaries	
\$579			100	Nurses & Medical Advisors	
\$1,034			100	Custodial & Maint. Salaries	
\$563			100	Non-Certified Adj & Bus Drivers Salaries	
\$5,838			100	Career/Job Salaries	
\$22,154			100	Special Education Svcs Salaries	
\$8,048			100	Attendance & Security Salaries	

**2020 - 2021
 NEWTOWN BOARD OF EDUCATION
 DETAIL OF TRANSFERS RECOMMENDED
 JUNE 23RD FOR JULY 7, 2020**

AMOUNT	CODE	DESCRIPTION	FROM	TO
		DESCRIPTION	CODE	DESCRIPTION
	ADMINISTRATIVE			
\$6,319	100	Certified Salary Adj. \$6,319 001840880000	51151 DISTRICT - OTHER SERV	51111 DISTRICT - SUPERINTENDENT ADMINISTRATORS - CO
\$12,640	100	Non-Certified Salary Adj. \$57,816 001840880000	51271 DISTRICT - OTHER SERV	51111 DISTRICT - BUS SERV ADMINISTRATORS - CO
\$1,111	100			Supervisors/Technology Salaries \$1,074 001770410000 51210 HEALTH/MED - ADMIN. SUPERVISORS/TECH STAFF
\$5,849	100			\$4,973 001810850000 51210 DISTRICT - TECH SUPERVISORS/TECH STAFF
	100			\$1,848 001840860000 51210 DISTRICT - BUS SERV SUPERVISORS/TECH STAFF
	100			\$4,745 001900920000 51210 B&G - ADMIN. SUPERVISORS/TECH STAFF
	100			Continuing Ed./Summer School \$1,111 001940840000 51143 DISTRICT - CONT. ED. DIR OF CONTINUING ED
	100			Clerical & Secretarial Salaries \$4,195 001820820000 51222 DISTRICT - SUPERINTENDENT SECRETARIAL SALARIES
\$579	100			\$1,654 001840860000 51221 DISTRICT - BUS SERV CLERICAL SALARIES
\$1,034	100			Nurses & Medical Advisors \$579 001770490000 51240 HEALTH/MED - H.S. NURSES SALARIES
\$563	100			Custodial & Maint. Salaries \$1,034 001900940000 51259 B&G - MAINTENANCE COURIER SALARY/DIST CUST
\$5,838	100			Non-Certified Adj & Bus Drivers Salaries \$563 001920870000 51262 DISTRICT - TRANSPORT JOB COACH/OTHER SPED/BUS
	100			Career/Job Salaries \$1,203 001600320000 51261 H.S. - SPORTS ATTENDANCE/DISCIPLINE/ATH
\$22,154	100			\$4,635 001750660000 51262 SP ED - TRANSITION JOB COACH/OTHER SPED/BUS
	100			Special Education Svcs Salaries \$17,020 001750510000 51263 SP ED - SERV FOR BLIND THERAPISTS/BEH ANAL/SCH C
\$8,048	100			\$5,134 001750610000 51263 SP ED - PREK-8 SP ED THERAPISTS/BEH ANAL/SCH C
	100			Attendance & Security Salaries \$280 001840880000 51261 DISTRICT - OTHER SERV ATTENDANCE/DISCIPLINE/ATH
	100			\$7,768 001850880000 51264 DISTRICT - SECURITY SECURITY/STUDENT WORK



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TOWN OF NEWTOWN
PURCHASING AGENT

TO: Ron Bienkowski, Director of Business
FROM: Rick Spreyer, Purchasing Agent
SUBJECT: Bid Recommendation
DATE: June 18, 2020

On May 8, 2020 the RFP for the Hawley Air Quality Improvements Project was published. There were mandatory site walk throughs held the week of May 11th which were attended by nine vendors. On June 5, 2020, bids for this project were submitted. There were five (5) bids submitted for this project.

Here is the list of each vendor that submitted bids and their bid amount:

Company	Bid Total
BL Companies	\$367, 502
Fuss & O'Neill	\$281,000
Christopher Williams Architects	\$249,900
Silver/Petrucci	\$120,300
CES	\$178,000

After review of the bids by Bob Gerbert, Director of Facilities, and Bob Mitchell and Alan Adriani, of the Public Building and Site Commission, it was determined that the lowest responsible bidder was Christopher Williams Architects. My recommendation would be to award this bid to Christopher Williams Architects.

Sincerely,

Rick Spreyer, Purchasing Agent

CC: Bob Gerbert, Director of Facilities
Robert Mitchell, Chairman, Public Building and Site Commission

Newtown Board of Education Virtual Meeting
CIP/Facilities/Finance Sub-Committee Minutes
May 27, 2020, 6:00 p.m.

Call to Order: The BOE CIP Sub Committee meeting was called to order at 6:03 by Mr. Delia. There was no public participation.

Participants: Dan Delia, Chair, Sub-Committee, Ron Bienkowski, Director of Business, Dr. Lorrie Rodrigue, Superintendent, Dr. Michelle Ku, Chair, Board of Education, Robert Gerbert, Director of Operations, Deb Zukowski, Sub-Committee, Debbie Leidlein, Sub-Committee, Mark Pompano, Director of Security, Allen Adriani, Sustainable Energy Commission, Kathy Quinn, Sustainable Energy Commission John Prunier, District Manager, Whitsons, joined at 6:09 p.m.

Pledge of Allegiance

**Item 1 Approval of April 9, 2020 BOE CIP Sub Committee Minutes
Approval of April 30, 2020 BOE CIP Sub Committee Minutes**

Mrs. Leidlein moved to approve the minutes of April 9, 2020 and April 30, 2020. Ms. Zukowski seconds the motion. All in favor. Motion passes.

Item 2 Review of 2020 Building & Site Projects and MG HVAC Bids and Recommendation

Mr. Bienkowski presented a summary of the building and site projects as budgeted and which lists actual expenses (attached). Additional projects were added at HOM which included the additional card reader, and replacement of 40 classroom curtains with shades. For the High School, the additional track repairs and field refresh were added for safety reasons to meet the standards of the compression and compaction. Mr. Bienkowski stated the summary also included a breakdown of the MG HVAC bid. Mr. Bienkowski said that if we move ahead with this project it would require \$107,690 which would leave us within \$28,000 of the bottom line of the budget.

Mr. Delia asked if all projects were approved in last year's budget and that it looks like we would go over the building and site maintenance budget by about \$29K if we do this MG project. Mr. Bienkowski agreed with Mr. Delia's statement.

Mr. Gerbert talked briefly regarding the MG HVAC project. The job was originally proposed as just providing cooling for the auditorium/gym which included the installation of 4 ductless splits for cooling. The RFP (Request for Proposal) went out before Mr. Gerbert was employed by NPS. Mr. Gerbert re-evaluated the job and asked the designer to prepare specs for another bid which was done in April of this year. He received several high priced bids ranging from \$127K to \$212K. He then explored alternative options by contracting Trane and ABS. Automated Building Systems (ABS) came in with a proposed alternate option to replace the existing heating only units above the stage in the auditorium

with heating and cooling for \$107,690. Mr. Gerbert recommends to pursue the option with ABS at the lower bid.

Ms. Zukowski asked if the only rooms that would be cooled are the auditorium and gym. Mr. Gerbert stated yes. Ms. Zukowski then asked if there would be more movement of air overall and able to address some of the air quality within those two rooms. Mr. Gerbert said yes.

Mr. Adriani from the Sustainable Energy Commission asked Mr. Gerbert if the original proposed bid included CO² demand controls with the roof top units. Mr. Gerbert said yes and stated that the existing units that would be replaced in-kind already have a fresh air intake so there is ventilation which the new units will provide.

Mr. Gerbert explained what exactly the installation would consist of.

Mr. Bienkowski stated we had several bids and it is perfectly appropriate to negotiate after we have received bids that don't come in at the right quantity amount. We now have a comprehensive solution to bring in fresh air in addition to providing cooling and air condition into the hotter periods. If the committee is in agreement with this vendor and installation then it should go to the Board for approval.

Ms. Zukowski asked where would the money come from to address the \$29K overage in the buildings and site budget. Mr. Bienkowski stated it would come from the overall balance that exists in the school budget. He said it is not unusual to see an account go over while other accounts are under.

Mr. Delia stated he is in support of this and glad we are doing this for Middle Gate.

Ms. Zukowski concurs and Mrs. Leidlein is in agreement.

The committee is in consensus and this item will go to the Board of Education to award the contract for the MG HVAC project to Automated Building Systems (ABS) for a bid price of \$107,690.

Item 3 Discussion and Possible Action on the Revision to the CIP

Mr. Bienkowski presented the CIP stating that adjustments have been made since the last meeting (attached). All of the costs moving forward have been increased by a 6% inflation factor for construction. There are no major changes to the plan. The main project for next year is the Hawley HVAC and replacing the HS Stadium field. Mr. Bienkowski stated he did not think we could push the High School field off another year as it needs to be done. The Hawley project has been on the CIP for 15 years and it is now exciting to see it finally come up. Presently there is an RFP (Request for Proposal) out for engineering and design professionals.

Ms. Zukowski asked about the unsightly house/landscape on the CIP and how we previously talked about it wasn't an option to pursue and therefore taking it off the CIP.

Mr. Bienkowski stated this is a committee decision as this was a plan that was approved by the Board of Education. He would remove it if the sub-committee as a whole decides to remove it.

Ms. Zukowski asked if the school district was allowed to own land and buildings. Mr. Bienkowski said no that the town owns the buildings and land.

Dr. Rodrigue stated she wrote a letter to the town earlier in the year and went to the Board of Selectman which they chose to not act on it. She suggested at this time that it may not be worth having it on the CIP as it is less of a priority. There does not seem to be interest from the town to purchase this property and that we have to look at what is important.

Mrs. Leidlein stated she was okay with taking it off the CIP or pushing it out. Maybe in 5 years if the property is still available it could be looked at but at this time it is not a priority.

Mr. Delia stated his thought was to push it way out but keep it on the CIP. If circumstances change and we need the land then it would be on the CIP.

Ms. Zukowski asked Mr. Gerbert if he was aware of all options looked at and motivations on this project? Mr. Gerbert stated he knows there have been concerns for safety, security, and potential room for additions. There are several reasons of wanting to pursue purchasing that land.

Ms. Zukowski suggested we pull it off since it is not our purview to put land purchases on the CIP, she thought we should continue to investigate this and once we have enough to convince the Board of Selectmen to actually support the purchase we could then look at it again.

Dr. Rodrigue stated we need to be clear. Safety and security was part of her letter. The First Selectman had the Newtown police do a safety study. They looked at a variety of things and one of the issues was how many times they were called to the property. There was no safety issue. The Town is the only one who can purchase the property. If this is off the CIP it does not prevent us from going back to the town for a discussion.

Mr. Delia stated he is good with removing it from the CIP.
Ms. Zukowski concurs to remove it as well.

The consensus from the committee was to now remove the purchase of the unsightly house from the CIP.

Ms. Zukowski brought up the boilers at HOM and separating the boilers out from the lighting and put them in year 2.

Mr. Gerbert stated there is no negative to doing this. With the Reed project coupled together there are more rebates to be had. If we break out the boilers from the lighting at HOM, there would be no impact on potential rebate. There would only be eligibility for lighting.

Ms. Zukowski asked what the cost would be if separating the boilers and putting them into year 2. Mr. Gerbert stated the cost is about \$400K.

Mr. Adriani stated that we need to keep in mind the Hawley project as part of the design is required to do an indoor air quality study and the building has to be occupied in order to do that study. Because of COVID if the schools do not go back in in the fall we would not be able to do the air quality study which would delay the project a whole year.

Dr. Rodrigue asked the question if the building has to be fully occupied in order to do the air quality study? If we are on a staggered schedule at 50% capacity does that still qualify?

Mr. Gerbert stated it will give you some data but cautioned we don't want to design a system based on 50% capacity and then 2 years later we are back at 100% capacity and run into issues. We still have to lead the designers to anticipate it as a fully occupied building.

Mr. Delia stated there is no incentive to do the boiler and lighting together at HOM but there is an incentive to do them together at Reed.

Mrs. Leidlein stated if there is any concern over putting the project at Hawley in jeopardy and if we add more to year 2 and we can't swap it out then she does not agree. She would prefer to leave things as they are and see what happens in the fall with the Hawley project since we have time to make this decision and it does not need to be made now.

Mr. Delia stated we could make this change down the road if we are patient.

Mr. Bienkowski stated we would bring this to the Board of Education in September and then forward to the Board of Finance. We have a couple months on this.

Mr. Delia stated we want to be thoughtful and patient. This will be on our agendas for a few times before that time in September.

Dr. Rodrigue agrees and all are good points. She stated just because the boiler is older does not mean we would have considerable trouble with if we left it where it is. She does feel nervous about the economic landscape if we have to push anything back.

Mr. Bienkowski pointed out that we did spend considerable money on these boilers in the past year; \$60K at HOM. They are in good shape now. We need to look at the numbers carefully if we are going to split them up

Mr. Delia asked Mr. Gerbert to look at the numbers on splitting this up and getting back to the Committee.

The consensus of the committee was to leave the HOM project as is for now.

Mr. Delia asked Mr. Gerbert if he felt any urgency in the Reed project or is it still good for 2 years from now.

Mr. Gerbert stated he thinks having the project where it is on the CIP is fine.

Mr. Adriani asked Mr. Gerbert about the age of the CO monitors at Reed. Mr. Gerbert stated he did not know the age but he spoke with our vendor who provides them and he explained the operation of the unit and that they are good for 10 years and are tied into the fire panel. If they did detect carbon monoxide they would alert the panel. They also give an audible chirp when they approach their end of life.

Mr. Adriani stated that he was given a tour of Hawley by Mr. Gerbert not to long ago. He stated as we go through the design, the older 1947 wing has tall ceilings. He recommended to lower the ceilings down by doing a study to determine energy costs, equipment costs.

Mr. Adriani stated we need to set a date to walk the schools. Mr. Delia said we could do this the end of June or early July.

Mr. Gerbert stated he agrees with Mr. Adriani regarding the design intake about the ceilings. Mr. Gerbert thanked Mr. Adriani for his insights he had for the RFP and that he had a number of contributions that were very helpful.

Item 4 Recommendations of Additional Expenditures for Fiscal Year 2020

Mr. Bienkowski talked about the Verkada Security System that was installed last year. The district re-equipped all of the security cameras throughout the school district and entered into a 5 year lease purchase agreement. Our first installment payment was June of 2019. The second installment is in the next month and following that we have 3 installments that will need to be paid. The 3rd installment is budgeted in the operating budget for next year, and the fourth and fifth installments will have to be appropriated or included in the budgets for those years. He stated one of the considerations was to pre-pay this lease arrangement. There is no pre-payment penalty if we chose to make these payments and there is no interest forgiveness. Advantage to pre-payment is to reduce the need that we would have to budget for that in year 2 and 3 if we went this way and, if we decided to pay all 3 of the lease payments it would give us the opportunity to have \$124K in next year's budget that could be re-assigned for other purposes for things we are not aware of now. Another reason for recommending this is we have a considerable balance brewing for the current year and it would help to reduce that balance and it would be a benefit both currently and in the future. His recommendation is to go for a 3 year pre-payment. He does not think it will significantly impact the balance we will have for the current year and the balance is a manageable amount.

Mrs Leidlein stated she sees this as two ways. She said she is concerned with pre-paying this ahead of time. With pre-payments there is no trail of yearly payments. There is also not a benefit in paying it off as we would not be paying less if we are paying for it ahead of time.

Mr. Bienkowski talked about the support from the company for the next 10 years even though we are only paying for 5 years. The line items within the budget would show an expense for this year and next year there would be no expenditure. If we had to we would be able to explain the drop off from this year to next year and then from next year going forward there should be a consistent dollar amount. There will not be a big jump in year 3 or 4.

Ms. Zukowski asked how much the charge would be for them to continue to guarantee the system for years 6 through 10. Mr. Bienkowski said it is already included in the price. Mrs. Zukowski stated then it would be a wash if we continue to pay it on time, we would still have 5 years where someone would see nothing and if we pay it ahead, you would see no expense in the next 5+ years.

Mr. Pompano stated he is very happy with the system and we will continue to get software upgrades for the 10 years. We don't have to start thinking about another camera system until the fall of 2028. He stated he agrees with Mr. Bienkowski to pre-pay the payments.

Mr. Delia stated he does not see a benefit to prepaying.

Mr. Bienkowski stated the benefit would be that we don't have to budget for 2 years out and you can build in \$125K balance available in next year's budget. If we pre-pay it now we would have that \$125K to redirect to whatever the needs would be in the operating budget.

Mrs. Leidlein said she was not sure that this is the best way to handle this. She said she was willing to agree with Mr. Bienkowski.

Ms. Zukowski asked what the amount would be that would be available to address COVID Operational costs for next year.

Mr. Bienkowski stated that the numbers he has at the moment is the difference between \$1.3M on the high side to \$800K on the low side. Even with this expense there could be a significant fund balance available.

Dr. Rodrigue stated she thought we would be okay and agrees with Mr. Bienkowski that this is a smart move.

Mr. Delia stated he thought we should hold back on making this decision tonight.

Mr. Bienkowski stated this takes time and if we agree to pre-pay it would still need to go to the full Board.

Mrs. Leidlien stated she would not be opposed to bringing it to the full board for a full discussion.

Mrs. Zukowski also agrees on bringing it to the full board.

MR. Delia stated the consensus was to bring this issue to the Board of Education.

Mr. Bienkowski then brought up the second additional recommendation of the security station at the front of the High School. It was originally installed in 2009. It is only an 8x8 facility and the thought is to replace it with an 8x10 facility with year-round occupancy with heat, utilities and a computer. Estimates will probably be in the \$8-10K range. The \$28K shortage on the Building & Site Improvement Projects list would then become a \$38K shortage. We have the opportunity to replace this and do this work now.

Mr. Pompano explained the reason for replacing this is the building is too small, and the ceiling is small for taller security officers. There is a heater in there but no insulation. We have tried to get this building replaced by grant applications in the last two years without any luck.

The committee concurs that this is something that needs to be replaced.

Mr. Delia thanked Mr. Pompano for all he has done with regards to security for the district and students.

Item 5 Food Service Program

Mr. Bienkowski explained where we are at with the Whitsons' 4th year amendment. Due to COVID 19 current operations have been suspended since March 12th. With regards to a contract for 2020-2021, the BOE is required to approve a 4th year amendment which has to be approved by the State of CT and has to take place before June 30th. The Key is we need to have a food service management company here to help and advise us going forward.

Mr. Prunier, District Manager of Whitsons, stated he wanted to thank everyone for their time. He said Whitsons is dedicated to really being with Newtown every step of the way...and with doing the emergency feeding in district, Whitsons has served over 9,000 meals. With the CDC interim plans we are as close to the situation as a company can be and we have developed a task force and guidelines but we don't know what the district will need yet. ...we don't want to be pre-emptive in spending money. We know there will be additional costs related to adding plexiglass for servers, PPE, transport equipment to deliver meals to classrooms, signage, etc., basically a never ending list. Cost factors are all over the board. We need more guidance from the State and we will proactively work with Newtown to be ready for the fall.

Dr. Rodrigue stated she wanted to thank Whitsons. She said we had little time to coordinate the meal distributions and her numbers recently came in with Whitsons serving close to 11,000 lunches. She further said, Whitsons has been fabulous, and has done so much good for the community and kids. We have a Re-entry Committee that just started and we will be reaching out to Whitsons on logistics and operations which they will be a part of.

Mrs. Leidlein stated she is in support of continuing the partnership with Whitsons.

Ms. Zukowski stated she thought everything looks reasonable and shifting to someone else at this time is not a place we want to go.

Ms. Zukowski asked if Whitsons is responsible for providing the PPE for their staff.

Mr. Bienkowski stated he is not sure what is going to be required for their workers.

Mr. Prunier said under normal conditions we do have uniform expense, hairnets and gloves. But if there are additional requirements, we will have to lay that cost out as additional to the program and bring it to Mr. Bienkowski. Mr. Prunier will forecast that based on longevity of what the situation is going to look like.

Mr. Delia stated he is in full support and wanted to also thank Mr. Prunier and Whitsons as this is more than servicing food but also taking care of our students and Whitsons has done a wonderful job.

Ms. Zukowski concurs with recommending Whitsons 4th year Amendment to the Board at the next Board meeting.

Item 6 Discussion of Non-Lapsing Fund and Policy

Mr. Delia stated he wanted everyone to be aware that this committee is not the policy committee and that we are having a discussion only. We rely on the expertise of the Policy Committee to write the policy.

Mr. Bienkowski stated the draft of the regulation for discussion was included in the prior meeting (attached). The yellow areas are additions added since the last sub-committee meeting.

Ms. Zukowski stated she was trying to understand if there is a mission that describes the value we get out of this policy. She does not see a mission statement. She stated when we have an emergency that puts students or staff in danger and we need to fix as soon as possible, it would be nice to go to the non-lapsing fund without getting approval from the Board of Finance.

Dr. Rodrigue stated when the state first decided that districts would be able to have a Non-Lapsing Fund it was for capital projects, and emergencies. That was the goal, so when the districts had unexpended funds they could put into the fund and utilize the money so they would not have to go through the town to request the funds. When we spoke with our attorney he was nervous with SpEd being a part of it. We decided to earmark a part of that money within that larger fund. Even when we go to other boards there is a lot of confusion over the contingency and the earmarking of the funds. This policy was drafted just to define on a broad level that there is the fund and what the purpose of the fund is.

Ms. Zukowski says as a Finance Board discussion, we need to have a deeper conversation and we need to articulate better at what the value to the town is, what they get based on our ability to manage this fund.

Mr. Bienkowski stated this document he prepared came as a result of reviewing 30 other town regulations and how they use their Non-Lapsing Fund. Mr. Bienkowski stated he is struggling to understand what do we change in this draft and what is inappropriate in this document that needs to be changed. The point of this document is to say that the fund was created, when it was created, and what has happened since then. This is a guideline of what we need to consider and how we consider using any money in the fund.

Mr. Delia stated this document is a more pertinent conversation for our committee than the actual policy.

Dr. Ku stated the purpose of the fund was really set up by the Board of Finance with the Board of Education in order to give the Board of Education the ability to save the money at the end of the year so we are not spending down money just to be able to use it on education regardless of where we are spending it. It is not a good planning mechanism because we are not budgeting to put money into it so you can't really plan to do anything with it unless you know you are building up funds in it.

Mr. Delia stated we are a finance committee and as a committee, we can discuss how the funds are used. The policy is a policy that is meant to be very broad. We can discuss the regulation that Mr. Bienkowski has brought to us.

Dr. Ku stated regulations tend to be developed by administration. But she does see the CIP committee making recommendations.

Mrs. Leidlein stated looking at what Mr. Bienkowski has put together in the regulation, it gives us flexibility. She agrees with what has been added. She said she feels that this is something she could get behind. She did say she is concerned about anything which would bind us from making decisions as events or changes happen as the idea was to give us flexibility with regard to this account.

Mr. Delia stated he agrees and the regulation does include the Board of Finance.

Mr. Delia stated Mr. Bienkowski will share the regulation with all BOE CIP Sub-Committee members to review the document and for each to add comments and at the next meeting we will discuss it and put it to rest.

Dr. Rodrigue stated we are all one town with one taxpayer base and any unexpended funds we use for good purpose is helpful to the town and taxpayers. Whether the town is using their funds or we are using funds from our Non-Lapsing.

Mr. Delia stated the Non-Lapsing Fund is a wonderful tool because it allows us to not require to spend down a budget and it keeps the money in a vehicle that allows us to use it for the students and original purpose, education.

Mrs. Leidlein agreed with Mr. Delia. She said this is not meant to be a budgeting tool. She said she would like our Legal Council to weigh in and explain to us their understanding of the legality of us making certain decisions and trying to establishing different pathways to use or access this funding.

Mr. Delia stated he would talk with Dr. Ku regarding this.

Adjournment:

Mr. Delia asked for a motion to adjourn the meeting. Mrs. Zukowski moved to adjourn the meeting. Mrs. Leidlein seconds the motion. All in favor. Motion passes and meeting was adjourned at 8:40pm.

Respectfully Submitted,
Joanne Morris

THESE ARE DRAFT MINUTES AND ARE SUBJECT TO THE APPROVAL OF THE BOE CIP/FACILITIES/FINANCE
SUB COMMITTEE



NEWTOWN PUBLIC SCHOOLS

Bienkowski, Ron <bienkowskir@newtown.k12.ct.us>

HOM Lights / Boiler

1 message

Gerbert, Bob <gerbertr@newtown.k12.ct.us>

Wed, Jun 10, 2020 at 8:32 AM

To: "Bienkowski, Ron" <bienkowskir@newtown.k12.ct.us>

Ron,

ABS is going to look at HOM tomorrow for lighting. I had gone there during budget season and counted the fixtures. I came up with 713. LED product costs have come down quite a bit, so we can get fixtures and/or lamps cheap. An allowance of \$500 per fixture would put us at \$356,500. Throw in some lighting controls and exterior lighting, this likely brings us to \$400k to \$425k range.

Likewise for the boiler, when we did the repair in the fall, I had prices for a replacement boiler. The cost for one boiler was \$100k. For two boilers, looking at \$200k. Add in the pumps, small boiler for water heating, probably another \$100k. Miscellaneous expense for electrical, controls, etc. and I think this runs up to a total of \$350k to \$400k.

So all in for both jobs, I'll say it's around \$850,000.

--

Bob Gerbert, PE

Director of Facilities

Newtown Public Schools

3 Primrose St, Newtown CT 06470

Office: 203-426-7615 / Cell: 203-914-9385



HOM Lights / Boiler

1 message

Gerbert, Bob <gerbertr@newtown.k12.ct.us>
To: "Bienkowski, Ron" <bienkowskir@newtown.k12.ct.us>

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Office: 203-426-7615 / Cell: 203-914-9385



NEW TOWN PUBLIC SCHOOLS

Ku, Michelle <kum_boe@newtown.k12.ct.us>

BOE Education Non-Lapsing Fund

Ritter, Matthew D. <MRitter@goodwin.com>
To: "Ku, Michelle" <kum_boe@newtown.k12.ct.us>
Cc: Lorrie Rodrigue <rodrigue@newtown.k12.ct.us>

Wed, Jun 10, 2020 at 10:33 AM

Michelle - see my responses below. Let me know if you want to discuss further. Thanks, Matt

1. Is the Non-Lapsing Fund appropriately categorized within the policy?

Answer: Yes. The section cites to the correct statute and it is a non-lapsing account. It is also correct that "any unexpended funds from the prior fiscal year from the Board of Education budgeted appropriation" may be deposited into the fund by the Board of Finance.

2. Is the Education Non-Lapsing Fund limited to capital expenses by statute?

Answer: No. Section 10-248a provides that "each expenditure from such account shall be made only for **educational purposes**, and each such expenditure shall be authorized by the local board of education for such town."

"Educational purposes" is broader than just capital expenses.

3. Is the Education Non-Lapsing Fund necessarily categorized as assigned, unassigned, committed, uncommitted, restricted? And what is the implication of that categorization?

Answer: The fund is "restricted" because it can only be used for educational purposes. However, I am not sure any of these terms really matter for the use of the fund because the statute clearly provides the purposes for which the fund can be used (i.e. educational purposes).

4. If the Education Non-Lapsing fund is being put into the same category as the municipal capital non-recurring fund in this policy document, is the implication that the processes must be the same (Legislative Council and Board of Finance Approval for spending)?

Answer: The policy and 10-248a both provide that funds can only be deposited into the account with the approval of the BOF. The policy mirrors the statute in that regard.

As for spending, the policy is silent and the statute does not specifically address that issue except that the funds must be used for educational purposes and each such expenditure must be approved by the BOE. As I read the current policy, once the BOF votes to authorize the deposit of funds into the account, the BOE has sole authority and control over the fund, including how to spend the funds. Having said that, if the BOE spends the funds on projects or for purposes for which the BOF strongly objects, you run the risk that the BOF will not authorize the deposit of funds into the account in subsequent fiscal years.

Matthew D. Ritter
(860) 251-5092

From: Ku, Michelle <kum_boe@newtown.k12.ct.us>
Sent: Tuesday, June 9, 2020 6:41 PM
To: Ritter, Matthew D. <MRitter@goodwin.com>
Cc: Lorrie Rodrigue <rodrigue@newtown.k12.ct.us>
Subject: BOE Education Non-Lapsing Fund

EXTERNAL EMAIL

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