

BOARD OF FINANCE  
MINUTES  
REGULAR MEETING  
3 Primrose Street – Council Chambers  
Monday, January 9, 2023 at 7:30 p.m.

*These minutes are subject to approval by the Board of Finance*

Present: John Madzula, Sandy Roussas, Laura Miller, Chandravir Ahuja, Steven Goodridge and Erica Sullivan

Absent:

Also Present: First Selectman Dan Rosenthal, Finance Director, Bob Tait, Library Board of Trustees Member, Amy Dent, BOE Chair, Deb Zukowski and two members of the Public

Chair Madzula called the meeting to order at 7:37p.m. Attendees saluted the American Flag.

**Voter Comments**

None

**Communications**

Chair Madzula mentioned correspondence from BOE Chair, Deb Zukowski (see attached). He also mentioned receiving a letter from BOE Superintendent introducing himself (John, I need this...). Additionally, Mr. Ahuja sent a correspondence regarding Monroe grant.

**Minutes**

Sandy Roussas moved to approve the minutes from the December 12, 2022. Laura Miller seconded (Erica Sullivan abstained). All in favor and motion passes.

**First Selectman's Report**

The First Selectman stated it is budget season and proposed budgets will be finalized by next week.

**Finance Director's Report**

Finance Director, Bob Tait, shared he and his team are deep into the budget and there will be a budget document next week.

**New Business**

1. *American Rescue Plan \$260,000 appropriation relative to Public Works trucks and safety improvements at the Fairfield Hills Campus*

Sandy Roussas made a motion to approve a resolution providing for an appropriation totaling \$260,000; for a public works 6 wheel 8 ton dump truck (\$240,000) and for safety improvements at the Fairfield Hills Campus (\$20,000) to be funded from American Rescue Plan. Erica Sullivan seconded. All in favor and motion passes.

2. *Transfer of \$47,770 from two Social Security contributions account to various Retirement Contributions*

Erica Sullivan made a motion to approve a transfer of \$47,770 from two Social Security contributions account to various Retirement Contributions as provided and attached. Steve Goodridge seconded. All in favor and motion passes.

3. *Non-Lapsing Fund*

Chair Madzula thanked BOE Chair, Ms. Zukowski for being here tonight. He commented the Board the BOF has not formally signed the draft that is circulating between the Town Boards. Mr. Madzula reminded the Board regarding a draft the BOF will eventually accept and adopt. Ms. Sullivan asked for more time to review and process. Chair Madzula reminded the Board there were two attorneys: one for the Town and one for the BOE. Ms. Roussas asked Ms. Zukowski to come up and speak. Ms. Zukowski stated the BOE has one policy and the Finance Director has another policy and within this there was an overlap where the BOE has tried to work within. The goal is for the BOE to get rid of old policy. Ms. Roussas inquired about the periodic review process for the BOE. Ms. Zukowski said the BOE has been reviewing and editing policy ongoing for the last five years, but ideally it would be every three years. If there was a tri-board policy perhaps they could periodically meet in the future to review and discuss (Ms. Zukowski suggested this could be a part of the policy). She also mentioned another option is going back to the way it was and if so, being aware there is a possibility of potential discord regarding a transfer request. The Board and Ms. Zukowski discussed further. Ms. Roussas suggested the Board look into the alternate policy and come to the next meeting with suggestions in the hopes there can be a product that is mutually settled upon.

4. *Fund Balance Discussion for Outside Agencies*

Chair Madzula opened up for discussion. Ms. Roussas shared she took the initiative to make edits to the policy specifically noting there could be a fund balance that is less than \$50,000 or 10% whichever is greater (see attached). Mr. Ahuja commented he wanted to stress the importance of further transparency and accountability and should include three years minimum and five years maximum. The First Selectman mentioned the lake authorities should be removed given their budget guidelines differ from other departments. Ms. Sullivan inquired about the specificities of the “period of time”. Ms. Roussas plans to revise the policy including comments made from within the Board during discussion tonight. She will share with the Board during the next meeting.

5. *ARP and Recycling Committee Reports*

Recycling Committee

Ms. Sullivan shared the ARP Committee approved giving each of the five Fire Houses \$50,000 each, which now await approval from BOS and LC. This leaves \$1MM and two years left to obligate the funds.

**Unfinished Business**

None

**Voter Comments**

None

**Announcements**

None

**Adjournment**

Erica Sullivan made a motion to adjourn. Sandy Roussas seconded. All members were in favor and the meeting was adjourned at 8:59pm.

Respectfully submitted,  
Kiley Morrison Gottschalk, Clerk

**Attachments**

Communications

Appropriation

Transfer

Non Lapsing edits from SR

**Chandravir Ahuja** <ahujac.bof@gmail.com>

To: Robert Tait <robert.tait@newtown-ct.gov>, John Madzula <jsmadzula2@gmail.com>

Thu, Dec 29, 2022 at 6:50 AM

**John Madzula 2nd** <jsmadzula2@gmail.com>

[https://patch.com/connecticut/monroe/monroe-receive-200k-congressional-grant-senior-center-repairs?utm\\_source=share-mobile&utm\\_medium=web&utm\\_campaign=share](https://patch.com/connecticut/monroe/monroe-receive-200k-congressional-grant-senior-center-repairs?utm_source=share-mobile&utm_medium=web&utm_campaign=share)



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## Form submission from: Contact John Madzula II

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**Christopher Melillo via Newtown CT** <cmsmailer@civicplus.com>

Thu, Dec 22, 2022 at 10:19 AM

Reply-To: Christopher Melillo <melilloc@newtown.k12.ct.us>

To: jsmadzula2@gmail.com

Submitted on Thursday, December 22, 2022 - 10:19am

Submitted by anonymous user 64 251 53 80

Submitted values are:

Your Name: : Christopher Melillo

Your e-mail address: [melilloc@newtown.k12.ct.us](mailto:melilloc@newtown.k12.ct.us)

Subject: Informal Meetings

Message

Dear John,

I look forward to continuing the open communication between the BOE and the Board of Finance I would appreciate it if you would be open to the possibility of informal scheduled meetings between you and me, so that we may address any concerns prior to public meetings. Please let me know if this is something that you would be interested in attending.

Sincerely,

Chris Melillo

The results of this submission may be viewed at:

<http://www.newtownct.gov/node/40473/submit/157546>

## **Town of Newtown**

### **Policy on Outside Agency Request for Funds**

#### **Purpose Statement:**

**The Town of Newtown contributes funds through its annual municipal budget process to outside agencies (as defined below) or funds that operate outside the Town's general fund. The purpose of this policy is to ensure that limited public resources contributed to outside agencies through the budget process are directed to outside agencies that both benefit the citizens of Newtown and demonstrate financial need.**

#### **Scope:**

Outside agencies are entities or funds that operate outside of the Town's general fund who request public funds (i.e. local taxes) during the budget process to partially fund their operations. Current example outside agencies include:

Not For Profits – categorized in the budget document as “outside agencies”:

- Regional Hospice
- Women's Center of Danbury
- Ability Beyond Disability
- United Way of Western Connecticut
- Newtown Parent Connection
- Kevin's Community Center

Not For Profits/Authorities – categorized in the budget document as (quasi) departments:

- Lake Authorities – Zoar & Lillinonah
- Newtown Underwater Search & Rescue
- Newtown Volunteer Ambulance Association
- Newtown Youth & Family Services
- Children's Adventure Center
- Cyrenius H. Booth Library

Town Special Revenue Funds - categorized in the budget document as “other

financing uses” Edmond Town Hall

### **Policy Statement:**

Any outside agency requesting public funds to partially fund their operations **must** submit a report describing their mission and outlining how they benefit Newtown residents in the most recent fiscal year completed.

The outside agency will be required to submit their two most recent financial statements and their current working budget **as** compared to the two prior year budgets.

Any outside agency with an undesignated fund balance of over 10% of its total budget **or \$50,000+, whichever is greater, must** submit a report outlining planned expenditures of excess undesignated fund balance (amount over 10%) **in order to have its budget request considered**. Planned expenditures can be over a period of time (capital planning).

### **Procedures:**

The Finance Director shall inform, in the October time period before the budget process starts, outside agencies that plan to request a contribution in the next budget process to submit a request with the required information:

- A mission statement
- A description of services which includes services that benefit Newtown residents (providing specific data) · The most recent two completed financial statement.
- A budget comparison report comparing current budget to prior two years.
- A statement of planned use of excess undesignated fund balance.
  - Excess undesignated fund balance is the amount over 10% of total budget.
  - This requirement is not necessary if undesignated fund balance is under \$50,000.

This documentation will be included in the Town budget process as additional information for the budget reviewers to make decisions or to make additional inquiries.

From: Zukowski, Deborra

zukowskid\_boe@newtown.k12.ct.us

Subject: Non-lapsing information, part 1.

Date: Dec 12, 2022 at 9:33:12 PM

To: John Madzula

jsmbofnewtown@gmail.com

Cc: John Madzula

jsmadzula2@gmail.com, Christopher

Melillo melilloc@newtown.k12.ct.us,

Gouveia, Tanja

vadast@newtown.k12.ct.us

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Hey John,

Thank you for bringing my concern about the Non-Lapsing status to the Board of Finance. Here's the first pass of what I promised to try to provide. Both current BoE policies and an associated Administrative Regulation are attached. I will need more time to find the lawyer's reasoning behind his/her updates and discuss with Chris how best to share the information with the BoF. If I can't find it I will talk with Chris about possible next steps.

Also, here are the BoE Nov 3, 2021 Minutes:

[https://www.newtown.k12.ct.us/\\_theme/files/](https://www.newtown.k12.ct.us/_theme/files/)



[Board%20of%20Education/Board%20Minutes/Minutes%202021-2022/11\\_3\\_21\\_Minutes\\_att.pdf](#)

The BoE discussion begins on page 3 of the minutes. There is also a note from the attorney that talks about the general philosophy behind the Non-Lapsing General Statute on page 75 of the minutes, but not the particulars for the change. Both the original and updated versions of the statute are included on page 75.

Note that the minutes state, "Mrs. Leidlein said as a member of the working group she didn't fully agree with their proposal and was grateful it was brought



to our legal counsel. She would support what legal counsel developed and is in full support of that document." Also note that Mr. Delia was the one to move "we accept the Non-lapsing Education Fund policy as reviewed and revised by our Board attorney." Ms. Leidlein and Mr. Delia were the two remaining BoE members in the Non-Lapsing work group.

Best regards,  
Deb

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P3171.1

**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

## **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

## **Business and Non-Instructional Operations**

### **Non-Lapsing Education Fund**

**Section 1.** The Board of Finance of the Town of Newtown established a Non-Lapsing Fund (the “Non-Lapsing Fund”) in accordance with Connecticut General Statutes 10-248a<sup>1</sup> on May 12, 2014.

**Section 2.** The Board of Education may, subject to the approval of the Board of Finance, deposit into the Non-Lapsing Fund all or a portion of any unexpended funds from the prior fiscal year from the budgeted appropriation for education for the Town, provided that the amount deposited into the Non-Lapsing Fund shall not exceed the amount set forth in Section 10-248a of the Connecticut General Statutes.

The Board of Finance may authorize deposits into the Non-Lapsing Fund in each fiscal year such that the total amount in the Non-Lapsing Fund may accumulate without limitation over time if not expended.

### **Section 3.**

A. The Board of Education may, subject to the approval of the Board of Finance, authorize expenditures from the Non-Lapsing Fund for any of the following educational purposes:

- i. Any Capital expenditures which have been previously approved in the five year Capital Improvement Plan;
- ii. Emergency conditions or replacements to capital items not previously included in the five year Capital Improvement Plan;
- iii. Special Education expenses in accordance with the March 20, 2018 Board of Education resolution establishing a Special Education Contingency line item; and
- iv. Any expenses that the Board of Education determines are necessary to support students or that are in the best interests of the Newtown Public Schools.

B. The Board of Education shall authorize each expenditure from the Non-Lapsing Fund.

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<sup>1</sup> 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**

C. The Board of Education shall submit a summary of the Non-Lapsing Fund's balance and expenditures for the prior fiscal year to the Board of Finance on an annual basis.

**Section 4.** The Non-Lapsing Fund balance comes from an appropriation that was approved by the voters of the Town for educational purposes and the Board of Education shall use the Non-Lapsing Fund for educational purposes. The Board of Education shall not consider the Non-Lapsing Fund as a source of funding which may be used to reduce the annual appropriation for education by the Town.

NEWTOWN PUBLIC SCHOOLS  
Newtown, Connecticut

Regulation Adopted June 24, 2020



## **Business/Non-Instructional Operations**

### **Budget Procedures and Line Item Transfers**

In accordance with Connecticut General Statutes §10-222, the Newtown Board of Education shall prepare an itemized estimate of its budget each year for submission to the Board of Finance and the Legislative Council for review and appropriation. Such budget estimate shall include, but is not limited to, the following major object line item categories:

- 100 - Salaries
- 200 - Employee Benefits
- 300 - Purchased Professional Services
- 400 - Purchased Property Services
- 500 - Other Purchased Services
- 600 - Supplies
- 700 - Property
- 800 - Other

Following the annual appropriation, the Board of Education shall meet and revise such itemized estimate, if necessary, and adopt a final appropriated budget for the year. Line items in the budget may be allocated more specifically by the Superintendent or his/her designee in the development, administration and monitoring of the budget after the initial approval of the budget by the Board of Education. The Superintendent shall present for Board approval any proposed additional staff that exceeds the staffing summary approved concurrent with the fiscal year budget. Hiring of additional staff that would be legally mandated will be brought to the Board for approval at the next scheduled Board meeting if all attempts for the Board of Education to meet prior to the hiring are unsuccessful.

The Superintendent and/or his/her designee shall be responsible for administering and monitoring the budget through the course of the year. The Superintendent or his/her designee shall maintain a system of appropriate expenditures and encumbrance accounting that is organized to conform to the requirements for State and Federal accounting reports. A monthly budget report shall be prepared in the same format as the annual object detail budget (as a minimum), showing for each major object code line item, the appropriated budget amount, transfers, expenditure to date, encumbered amounts, and current balance.

Such budget report shall be presented to the Board of Education at the regularly scheduled meeting in the month following the period for which such report is prepared, except the year-end report which shall be completed and presented by the end of August. The year-end report shall reflect all major object codes in positive balance. The Superintendent or designee shall recommend to the Board of Education and the Board shall approve transfers from one major object code to another.



## **Business/Non-Instructional Operations**

### **Budget Procedures and Line Item Transfers (continued)**

Any movement by the Board to expend funds that would otherwise render a major object code in a negative balance shall be preceded by a Motion to Transfer Funds between major object codes to maintain a positive balance in the account from which the funds will be expended. However, this action would not take place if there were expected incoming supplemental funds recognized by the Board.

For effective and efficient administration of day-to-day operations, budget transfer authority is granted to the Superintendent or the Director of Business, as his/her designee, under the following restrictions:

No transfers within major object codes, whether individual or cumulative, of \$10,000 or more shall be made unless authorized by the Board.

If the emergency transfer of \$50,000 or less is needed and the Board is unable to meet in advance, the Board will take action at its next regularly scheduled meeting. In addition, all transfers within an object summary category under \$10,000 will also be approved at the next meeting.

The Board of Education shall not expend more than the amount of the total appropriation and the amount of money received from other sources for school purposes. If any occasion arises whereby additional funds are needed by the Board of Education, the Chairperson of the Board of Education shall notify the Board of Finance, Board of Selectman, or appropriating authority and submit a request for such necessary additional funds. No additional funds shall be expended until such supplemental appropriation is granted and no supplemental expenditures shall be made in excess of those so authorized.

### **Adding Funds to the Non-Lapsing Educational Account**

1. Each year, before August 31<sup>st</sup>, the Newtown Public Schools Director of Business will recommend to the Board to 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.
2. Each year, before August 31<sup>st</sup>, the Board will forward a request to transfer unexpended funds from the previous year's budgeted education appropriation, to the non-lapsing education account. The transfer request will include each account number and the amount to be transferred. If known, the specific use for the funds will be communicated.

**Business/Non-Instructional Operations**

**Budget Procedures and Line Item Transfers (continued)**

**Removing Funds from the Non-Lapsing Educational Account**

The Board will vote to forward a request and explanation to the Board of Finance for use of funds from the Non-Lapsing Education Account. The Board may also request that an amount of funds be designated for a specified purpose and the Board may use all or some of the designated funds for the specified purpose. If funds are no longer needed for the specified purpose, the Board may remove the designation from any remaining funds, and inform the Board of Finance of the change.

Legal Reference: Connecticut General Statutes

10-222 Appropriations and budget. (as amended by PA 13-60, An Act Concerning the Consolidation of Non-Educational Services)

Charter, Town of Newtown, 2008, P. 28

## **Business and Non-Instructional Operations**

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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

**Please Note: These minutes are pending Board approval.**  
**Board of Education**  
**Newtown, Connecticut**

Minutes of the Board of Education meeting held on November 3, 2021 at 7:00 p.m. in the Reed Intermediate School Library.

M. Ku, Chair  
D. Delia, Vice Chair  
D. Cruson, Secretary  
D. Leidlein  
J. Vouros  
R. Harriman  
D. Zukowski  
C. Savo  
M. Irvine

L. Rodrigue  
A. Uberti  
7 Staff  
20 Public

Mrs. Ku called the meeting to order at 7:02 p.m.

Item 1 – Pledge of Allegiance

Item 2 – Celebration of Excellence

Dr. Rodrigue recognized the Newtown High School Athletic Program and Athletic Director Matt Memoli for receiving the CIAC Fred Balsamo Sportsmanship Award. Only one award is given to a school in Connecticut each year. This award is for promoting the growth of students and for providing students with the most enjoyable possible experience in athletics. \$400 will be sent along with a plaque presented at the December 7 CIAC sportsmanship conference.

Mr. Memoli feels this award also goes to the coaches and students. He introduced some of the high school students involved in sports which included Morgan Melillo, Jake Gonski, Ryan Verdi, Andrew Jacobs, Ally McCarthy, Bella Gerace and Elise Barricell, as well as coaches Becky Osborne and Ellen Goyda. Receiving this is humbling for him. We all support each other and the athletic department.

The Board congratulated everyone.

Item 3 – Consent Agenda

MOTION: Mr. Delia moved that the Board of Education approve the consent agenda which includes the correspondence report. Mr. Cruson seconded. Motion passes unanimously.

Item 4 – Public Participation

Janice Gabriel, 50 Saw Mill Road, Danbury, invited the Board to the high school play "Puffs" which will be November 18, 19, and 20 at 7 p.m. and November 21 at 2 p.m.

Item 5 – Reports

Chair Report: Dr. Ku said there is a December 8 New Board Member conference in Rocky Hill. December 16 there will be a Board member workshop with Nick Caruso from Cabe. She congratulated Mr. Cruson for his re-election to the Board.

Superintendent's Report: Dr. Rodrigue congratulated all of the new candidates to the Board of Education including Dan Cruson and also Dr. Ku who is joining the Legislative Council. She sent a communication to parents and staff regarding the new option for quarantining proposed by the DPH. More details will come out in tomorrow's press conference. It should help minimize the number of quarantines. She asked parents to see if they opted in to receive messages in School Messenger especially regarding buses. All-Star doesn't have the capacity to do that. We continue to work with them as they try to get more bus drivers. Election Day

was a professional day for our teachers and staff brought in nonperishable items for the Faith Food Pantry. We are so excited that the Hawley HVAC project passed and thanked all parents and community members who supported that in such a big way.

Ms. Zukowski asked about the professional development in each school that day.

Mrs. Uberti said there was Bridges training, iReady training at the middle school, K-8 counselors were trained on Educlimber, there was Newzella training and a variety of DEI meetings at the high school. Wes Johnson also participated with the high school staff.

#### Committee Reports:

Mrs. Harriman said the Policy Committee continues to review policies around COVID. They also discussed the budget procedures and line item transfers Policy 3160 and Policy 5162.51 around student privacy. Also a policy around academic freedom which Mr. Johnson reviewed was discussed as well as a policy regarding retaliation and whistle blowing.

Mr. Vouros reported on the Curriculum and Instruction Committee meeting with the Health Curriculum being brought to the Board tonight. Dr. Purcaro spoke about ELA students and their teachers being given adequate resources. On October 20 a professional development was held for 150 paraeducators. November 2 schools prepared to send iReady reports to parents.

Mr. Cruson reported that the Communications Committee finalized the newsletter and continue to develop our next newsletter aiming for January on curriculum and classroom instruction.

#### Student Representative Reports:

Ms. Savo reported that college visits are still being held. The Class of 2023 ring sale has begun. The Nice Club met regarding international culture.

Mr. Irvine reported the Varsity Girls Swim and Dive won over Masuk. Field Hockey won in the semi-finals and move to the SWCA Championship. Various other competitions were mentioned. Mr. Vouros asked the students to provide other clubs and activities for us to see the variety of what is offered.

#### Item 6 – Presentations

##### Health I and II Curriculum:

Kathy Davey, Laura McClean and Cheryl Lombardo developed and presented this curriculum.

Ms. Zukowski asked if there was any parental pushback on the curriculum.

Mrs. Davey said there was a little pushback with nutrition. Some want to get into eating disorders and some don't. We talk about how to eat healthy and tweak assessments to meet student needs.

Mrs. Lombardo said in Health II we do a lot of speaking and find connections to break down the wall of uncomfortableness.

Dr. Ku said she was reassured that what this curriculum is providing students was spot on. Regarding diversity, we made a resolution to make sure our curriculum was written through a lens of diversity, inclusion and multicultural perspectives. We need to address that when we have curriculum brought forward to us. We need some way of knowing that curriculum has been viewed through that lens. Perhaps a specific person would be responsible for reviewing the curriculum through that lens.



Dr. Rodrigue was meeting with Mr. Johnson tomorrow and will look at the processes that flush out those commitments. We need to outline the processes for reach commitment and see what that looks like.

Mrs. McClean said they went through their material so it is more diverse.

#### Item 7 – Old Business

Policies:

MOTION: Mr. Delia moved that the Board of Education approve Policy 5145.12 Search and Seizure. Mr. Cruson seconded.

Mrs. Harriman said they clarified a question in the existing policy.

Mark Pompano said that he and Lt. Robinson also reviewed this policy.

Motion passes unanimously.

MOTION: Mr. Cruson moved that the Board of Education approve Policy 5145.124 Breathalyzer Testing. Mr. Cruson seconded.

Mrs. Harriman said this policy was in the que for awhile and would like to process these faster.

This policy was adapted from a CABA policy with our changes in red. This has been our practice for a number of years.

Motion passes unanimously.

Mr. Vouros questioned how far along we were with policies in the que.

Mrs. Harriman said we only move two policies at a time because of the length of time for discussion. We need to come up with a way to move policies more quickly.

Ms. Zukowski asked how many policies we have.

Mrs. Harriman noted 500 to 1,000 policies. There are also new policies that are recommended. We already had to go back to policies that need another look based on new legislation, etc.

Joint Work Group Non-lapsing Account:

Dr. Ku said the Legislative Council was going to look at this tonight. The Board of Finance took action and adopted mostly what the work group came up with but changed the title of Section 1 from "preamble" to "purpose."

Mrs. Harriman feels we should look at the policy the work group put together and entertain the Board of Finance changes to move forward and come to an agreement.

Mrs. Leidlein said as a member of the working group she didn't fully agree with their proposal and was grateful it was brought to our legal counsel. She would support what legal counsel developed and is in full support of that document.

Ms. Zukowski fully agreed with Mrs. Leidlein and was impressed with the legal version being much tighter, crisper, and more understandable.

Mrs. Harriman thanked Mrs. Leidlein for saying that as a member of the working group. She agreed with her recommendation.

Mrs. Ku felt there was some ambiguous language in their document and legal counsel's version is clearer.

Mr. Delia agreed with legal counsel's recommendation.

MOTION: Mr. Delia moved that we accept the Non-lapsing Education Fund policy as reviewed and revised by our Board attorney. Mr. Cruson seconded.

Ms. Zukowski questioned the first week of September wording in red in Section #2.  
Dr. Ku said that was what the work group came up with and Bob Tait was part of it.

Mrs. Leidlein said that was his discussion on when the year was finalized by the Board of Education and when the end of the year funds would begin. It would be the end of August when the Board of Education would finalize their books so saying September 1 is too confined and needed more of an extension of time when the Board of Education finalized their numbers. The more confinement you put on the process the more difficulty you have in doing the process correctly.

MOTION: Ms. Zukowski moved to change the wording in red under Section 2 to "no later than the end of the first week of September." Mr. Cruson seconded.

MOTION: Mrs. Leidlein called the question. Mrs. Harriman seconded. Motion passes unanimously.

Vote on amendment: 1 aye, 6 nays (Dr. Ku, Mr. Delia, Mr. Cruson, Mrs. Leidlein, Mrs. Harriman, Mr. Vouros) Motion fails

Mrs. Leidlein said the wording "no later than the first week in September" is sufficient.  
Dr. Ku stated we need to try to stick to what the work group presented and find a way to make this work for everybody.

Ms. Zukowski said the way it's written you don't know when the joint meeting will happen.

MOTION: Ms. Zukowski moved that the Board of Finance and the Legislative Council consider together when an appropriate end date is as to when a joint meeting would occur.  
Mr. Cruson seconded.

Mrs. Leidlein stated there are so many things that can impact when that meeting will happen. She would wait until we have the Legislative Council meet and confer with Bob Tait on who would make a recommendation. If you set strict parameters it becomes a different situation. They won't let that conversation go beyond September.

Mrs. Harriman said no date was what the work group suggested and Bob Tait and Mrs. Vadas were comfortable with that.

Vote: 1 aye, 6 nays (Dr. Ku, Mr. Delia, Mr. Cruson, Mrs. Leidlein, Mrs. Harriman, Mr. Vouros)  
Motion fails.

Ms. Zukowski referred to Section 5 in red and asked what happens if we have a year when a request for a deposit is not made

MOTION: Ms. Zukowski moved to change the date to September 1 of each year.

Mr. Cruson seconded.

Mr. Cruson said we could have a year with no deposit. He would rather say no later than the first of September.

Dr. Rodrigue said she reads it as the request is needed if there is going to be a deposit.

Vote: 3 ayes, 4 nays, (Dr. Ku, Mrs. Leidlein, Mrs. Harriman, Mr. Vouros) Motion fails.

Ms. Zukowski spoke about redoing our special education contingency fund policy about designation.

Dr. Ku said this policy would ignore that but feels we should pass this policy as is and see if other boards are in agreement.



Mrs. Leidlein was in favor of saving money specifically for special education. She is worried about saying something about designation in this policy. We don't want funds to be designated for a specific purpose when deposited in the non-lapsing account.

Main motion passes unanimously.

Item 8 – New Business

Policy 3160 Budget Procedures and Line Item Transfers:

Mrs. Harriman said this policy was approved but further amended on page 2 to show that transfers between major object codes less than \$10,000 may be made without Board approval but referenced in the monthly financial report.

Ms. Zukowski asked to have the language on the bottom of the second page and top of the third page reviewed to make them consistent with tri-body policy we just voted on.

Mrs. Harriman hesitated because the other boards haven't voted on the language. This will be discussed at the next Policy Committee meeting.

Communications Sub-Committee Newsletter:

MOTION: Mr. Delia moved that the Board of Education approve the November 2021 Communications Sub-Committee Newsletter. Mr. Cruson seconded.

Mr. Cruson noted that this newsletter covered Capstone, the Beat Department, portrait of a graduate and the college career center.

MOTION: Ms. Zukowski moved to allow Mr. Cruson to make edits. Mrs. Harriman seconded. Motion passes unanimously.

Authorization of Signatures:

MOTION: Mr. Delia moved that the Board of Education authorize Dr. Lorrie Rodrigue and Mrs. Tanja Vadas to execute agreements, to apply for grants or to sign other documents as may be necessary in the normal course of the school system's business, including documents that support the adopted budget or that implement the Board's established policies or programs. Mr. Cruson seconded. Motion passes unanimously.

Minutes of October 19, 2021:

MOTION: Mr. Delia moved that the Board of Education approve the minutes of October 19, 2021. Mr. Cruson seconded.

MOTION: Ms. Zukowski asked to amend the motion to include the transcript of the meeting on page 4 in the last paragraph of item 6. Mr. Cruson seconded.

Motion passes unanimously.

"My concern is it's two days out of 182 days and students usually take a couple of weeks to get into the swing of learning the learning practices that they get to their desks, they put their books away, and having just two days out of 182 days, the kids are not necessarily going to say "yup this is the time I pull my chair up to the kitchen table, I pull my computer out." I'm concerned that it being just the exception that it would be, would be very, very difficult for the families and for the students to know that they have to sit in a seat with possibly very little supervision to actually engage within the class."

Vote on minutes: Motion passes unanimously

Minutes of October 25, 2021:

MOTION: Mr. Delia moved that the Board of Education approve the minutes of October 25, 2021. Mr. Cruson seconded. Motion passes unanimously.

Item 9 – Public Participation

MOTION: Mr. Delia moved to adjourn. Mr. Cruson seconded. Motion passes unanimously

Item 10 – Adjournment

The meeting adjourned at 9:17 p.m.

Respectfully submitted:

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Daniel J. Cruson, Jr.  
Secretary

From: Michelle Embree Ku

michelleku.newtown@gmail.com

Subject: Education Non-lapsing Fund

Date: Dec 13, 2022 at 12:08:15 PM

To: to: John Madzula

jsmbofnewtown@gmail.com,

Ahujac.bof@gmail.com, Erica Sullivan

SullivanBOF21@gmail.com,

millerbofnewtown@gmail.com,

sandyrroussasbof@gmail.com,

sbgoodridge.bof@gmail.com

Cc: kjmg11@gmail.com, Deborra

Zukowski

zukowskid\_boe@newtown.k12.ct.us

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Dear Board of Finance Members,

I listened with interest to your discussion about the Education Non-lapsing Fund last night. I am attaching some history and some of my perspective for your consideration. I hope they help.

Thank you for your thoughtful discussions,

Michelle Embree Ku  
28 Platts Hill Rd  
Newtown, CT 06470

December 13, 2022

Dear Board of Finance Members,

I appreciate your discussion about revisiting the policy for the Education Non-lapsing Fund. After watching the meeting of 12/12/2022, I thought that some background information might be helpful to your next discussion. So, attached is some history for your consideration.

Before delving into the history, I think there are two perspectives that are worth highlighting:

**The Legal Perspective:**

At a May 3, 2021 joint workgroup meeting, the Town Attorney expressed reservations about the legality of three boards coming to agreement on a policy. It may be worth asking him for an opinion to ensure that whatever conclusion is reached, the process is legally sound. Additionally, you may want to ask him to review the BOE/LC approved policy, because although it should not be substantively different from the version he reviewed previously, I do not know whether he has seen the revised copy.

Additionally, at the same May 3 meeting, "both attorneys cautioned that as a policy is drafted, legal review should occur." It should be noted that legal review did not occur until after the workgroup made a recommendation to the respective boards, and I think this is the crux of why the three boards did not endorse the same version of the policy.

**The Investment Perspective:**

The timeline does not do a good job of conveying the resources invested in getting to this point – both in people's time and taxpayer dollars. There has been a lot of tension and frustration in conversations about how to best use the Education Non-lapsing Fund and much investment in obtaining legal opinions regarding this process. After all that has been devoted to this important issue, it seems unwise to reject an attorney's final suggestions – arguably the most important step - simply because the workgroup did not have those edits before making its final recommendation (presumably due to time constraints).

I provide this as a former Board of Education member and chair, and although I serve on the Legislative Council, I am not representing the Council.

Thank you for your careful attention to this matter,



Michelle Embree Ku

## **A History of the Education Non-lapsing Fund in Newtown**

From the perspective of a BOE member 2013-2021

(BOE Chair 2017-2021)

**July 1, 2010** – A new statute (C.G.A. §10-248a) allows: “For the fiscal year ending June 30, 2011, 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 non-lapsing account any unexpended funds from the prior fiscal year from the budgeted appropriation for education for the town, provided such amount does not exceed one per cent of the total budgeted appropriation for education for such prior fiscal year.”

**January 13, 2014** – Newtown Board of Finance (BOF) passes a resolution to authorize the BOF chair to send to the Board of Education (BOE) a proposal to establish a Non-lapsing Education Fund and a process for the deposit and withdrawal of funds in Newtown.

**April 2014** - the BOE votes unanimously to follow the BOF proposed process.

**May 12, 2014** - the BOF adopts a “recommended process”

In 2014, 2015 and 2016, the BOE deposits and removes funds per the understanding.

**April 2017** - the Board of Education formalizes the process by revising BOE Policy 3160 and adopting BOE Policy 3171.1. The BOE continues to make deposits in 2017, 2018, and 2019.

**Effective July 1, 2019** - the statute (C.G.A. §10-248a) is amended to add “deposited” and replace “one per cent” with “two per cent” and add text regarding expenditures from account to be made only for educational purposes and to be authorized by local board of education.

**June 2, 2020** - the Board of Education revises Policies 3160 and 3171.1, taking into consideration changes in the statute 10-248a and inviting comments from the BOF.

**September 14, 2020** - the BOE requests that the BOF deposit the 2020 year-end balance in the Education Non-lapsing Fund - \$1,362,451, the equivalent of 1.74% of the budget. The request is denied.

**October 20, 2020** - in response to a question posed by the Legislative Council (LC), the Town Attorney opines that § 6-35 of the Town Charter dictates that the LC has the authority to act on the BOE request to deposit money in the Education Non-lapsing Fund (the BOF has the opportunity to make a recommendation to the LC as it does for an appropriation).

**December 8, 2020** - the BOF discusses initiating a joint working group between the BOF, LC and BOE to address a “contingency” account for the BOE.

Michelle Embree Ku 12/13/2022

Representing my own views – not those of the LC



**March 22, 2021** - the first joint workgroup meeting takes place, and a purpose and timeline are adopted, with the goal of sufficiently developing the policy "to guide actions regarding any surplus in the BOE 2020-21 budget before the books are closed in early September."

**May 3, 2021** - the workgroup meets with the Town Attorney and BOE Attorney. Notably, the Town Attorney has reservations about the legality of three boards coming to agreement on a policy. Additionally, "both attorneys cautioned that as a policy is drafted, legal review should occur."

**June 3, 2021** - the BOE asks for a projected date of completion in anticipation of the end-of-year budget surplus discussions.

**July 6, 2021** – the BOE updates policies 3160 *Budget Procedures and Line Item Transfers* and 3171 *Non-Lapsing Education Fund* to reflect the Town Attorney's opinion regarding the fiscal authority.

**September 15, 2022** – The Legislative Council, upon recommendation by the BOF, approves the BOE request to deposit the year-end surplus into the Education Non-lapsing Fund.

**October 7, 2021** - the workgroup holds its last meeting and finalizes its recommendation.

**October 7- 20, 2021** - the LC Chair and the BOE Chair ask the Town Attorney and the BOE Attorney, respectively, to review the workgroup's final product. This is the first time the attorneys are consulted about the workgroup's recommendation. The Town Attorney has no recommended changes. The BOE Attorney recommends changes to make the language more concise and consistent with language used in policy, while maintaining the workgroup's intent. For example, the background and history are unnecessary for policy, and it is unusual to quote individual people from meeting minutes as part of a policy. His intent is to maintain the substance of the joint work group's proposal while clarifying language. His recommended changes are forwarded to the LC and BOF.

**October 28, 2021** - the BOF votes to accept the workgroup's recommended document without the BOE Attorney's recommended changes.

**November 3, 2021** - the BOE votes to accept the language proposed by the BOE Attorney.

**November 17, 2021** - the Legislative Council unanimously accepts the same version as the BOE.

**November 22, 2021** - the BOF declines to endorse any further changes.

**From:** Debbie Halstead <[debbie.halstead@newtown-ct.gov](mailto:debbie.halstead@newtown-ct.gov)>

**Date:** December 5, 2022 at 10:44:33 AM EST

**To:** Dan Rosenthal <[dan.rosenthal@newtown-ct.gov](mailto:dan.rosenthal@newtown-ct.gov)>

**Cc:** Deborra Zukowski <[debz.newtown.ct@gmail.com](mailto:debz.newtown.ct@gmail.com)>, Jeff Capeci <[jeff@thecapecis.com](mailto:jeff@thecapecis.com)>, John Madzula II <[jsmbofnewtown@gmail.com](mailto:jsmbofnewtown@gmail.com)>

**Subject:** Agreement with Newtown Federation of Teachers Contract on file

Hello,

In accordance with **Sec. 10-244c** the teachers agreement contract is on file as a link on the Board of Education's webpage.

[Agreement with Newtown Federation of Teachers and Board of Education for 2023-2026 Contracts filed 11-2-22](#)

Have a good day.

Debbie Aurelia Halstead, MMC, MCTC

*Town Clerk*

*Registrar of Vital Statistics*

*Municipal Veterans Representative*

Newtown Municipal Center

3 Primrose Street

Newtown, CT 06470

203-270-4214

[debbie.halstead@newtown-ct.gov](mailto:debbie.halstead@newtown-ct.gov)

### The tri-party Non-Lapsing agreement

**Zukowski, Deborra** <[zukowskid\\_boe@newtown.k12.ct.us](mailto:zukowskid_boe@newtown.k12.ct.us)> Tue, Nov 22, 2022 at 1:15 PM To: John Madzula <[jsmbofnewtown@gmail.com](mailto:jsmbofnewtown@gmail.com)>

Cc: John Madzula <[jmadzula2@gmail.com](mailto:jmadzula2@gmail.com)>, Jeff Capeci <[Jeff@thecapecis.com](mailto:Jeff@thecapecis.com)>, "Gouveia, Tanja" <[vadast@newtown.k12.ct.us](mailto:vadast@newtown.k12.ct.us)>, Daniel Cruson <[crusond\\_boe@newtown.k12.ct.us](mailto:crusond_boe@newtown.k12.ct.us)>

Hey there John,

There are still a few loose ends, re: the cross BoE, BoF, and LC agreement about the process regarding the BoE Non Lapsing Account. At this point, both the LC and BoE formally approved the attached version. I think that the BoF looked at, and possibly approved, a different version.

At this point, the BoE still has its old policies related to the Non-Lapsing on record. These policies and the approved tri-party policy conflict a bit, so we may want to look into updating them. Before we do that, though, it would be good to know that the BoF is onboard, and we can add the BoF approval to the policy too.

Thanks, Deb Z



**Non-Lapsing Education Fund**  
**A Policy Agreement between:**  
**Board of Education, Board of Finance & Legislative Council**

**Section 1. Deposits into Non-Lapsing Education Fund.**

The Board of Education may, subject to the approval of the Legislative Council, deposit into the Non-Lapsing Education Fund all or a portion of any unexpended funds from the prior fiscal year from the budgeted appropriation for education for the Town, provided that the amount deposited into the Non-Lapsing Education Fund shall not exceed the amount set forth in Section 10-248a of the Connecticut General Statutes. The Legislative Council shall consider the recommendation of the Board of Finance, if any, prior to approving the deposit of funds into the Non-Lapsing Education Fund. The Legislative Council may authorize deposits into the Non-Lapsing Education Fund in each fiscal year such that the total amount in the Non-Lapsing Education Fund may accumulate over time if not expended.

**Section 2. Timeline for Consideration of Deposits into Non-Lapsing Education Fund.**

No later than the first week of September, the Board of Education shall send notice to the Legislative Council and the Board of Finance of its request to deposit all or a portion of any unexpended funds from the prior fiscal year from the budgeted appropriation for education for the Town into the Non-Lapsing Education Fund.

The Board of Finance and the Legislative Council shall hold a joint meeting to discuss the Board of Education request to deposit funds into the Non-Lapsing Education Fund.

**Section 3. Expenditure of Funds from Non-Lapsing Education Fund.**

The Board of Education may, subject to the approval of the Legislative Council, authorize expenditures from the Non-Lapsing Education Fund for any expenses that the Board of Education determines are necessary to support students or that are in the best interests of the Newtown Public Schools. The Legislative Council shall consider the recommendation of the Board of Finance, if any, prior to authorizing the expenditure of funds from the Non-Lapsing Education Fund.

If the Board of Education requests an expenditure from the Non-Lapsing Education Fund to pay for all or part of the costs of an approved Capital Improvement Plan ("CIP") project, then such request shall be deemed approved when the Legislative Council approves the CIP as part of the annual review process.

**Section 4. Educational Purposes.**

The Non-Lapsing Education Fund shall only be used for educational purposes as required by Section 10-248a of the Connecticut General Statutes.

**Section 5. Annual Reporting Requirement.**

The Board of Education shall review the fund balance and revenues and expenditures of the Non-Lapsing Education Fund on an annual basis and provide a written report to the Legislative Council and the Board of Finance at the time a request for deposit is made.

*Approved by Board of Education: 11/3/21*  
*Approved by Legislative Council: 11/17/21*



**LEGISLATIVE COUNCIL REGULAR MEETING  
COUNCIL CHAMBERS, 3 PRIMROSE STREET, NEWTOWN, CT  
WEDNESDAY, NOVEMBER 17, 2021**

**MINUTES**

**PRESENT:** Jordana Bloom, Alison Plante, Phil Carroll, Ryan Knapp, Judit DeStefano, Paul Lundquist, Chris Eide, Matthew Mihalcik, Cathy Reiss, Andy Clure, Chris Smith (7:55 pm)

**ABSENT:** Dan Honan

**ALSO PRESENT:** First Selectman Dan Rosenthal, Finance Director Bob Tait, BOF Chair Keith Alexander, BOE Chair Michelle Embre Ku, CH Booth Library Director Douglas Lord, Library Board of Trustees Members: President Michelle Brown, Treasurer Greg Branecky, Trustee Amy Dent and Trustee Alex Villamil; 7 public, 0 press

**CALL TO ORDER:** Mr. Lundquist called the meeting to order with the Pledge of Allegiance at 7:33 pm.

**VOTER COMMENT:** None

**MINUTES:** Ms. DeStefano moved to accept the minutes of the November 3, 2021 Legislative Council Regular Meeting. Seconded by Mr. Eide. Motion passes (10-1). Mr. Clure opposed.

Andy Clure questioned the inclusion of two photos showing open carry in the meeting minutes of 11/3, specifically questioning a perceived edit to the email. Po Murray sent a note with photos to illustrate specific examples of open carry that had occurred in Newtown. Mr Lundquist wrote back asking what the context was since there was no indication of what the photos were showing. Ms Murray wrote back offering descriptions of the two photos. She also included new additional commentary, calling out a specific Council member by name. The member who was called out objected, and Mr Lundquist agreed to not share the additional commentary in our minutes. However Mr Lundquist thought it was still appropriate to share the original photos and description (as provided by Ms Murray) without the new commentary. Mr Lundquist noted that all correspondence addressed to the full Council is always shared with members, including Ms Murray's full email in this case.

**COMMUNICATIONS:** Mr. Lundquist shared the BOE District Highlights newsletter (*attachment C*) and an email received from Andrew Buzzi (*attachment D*).

**COMMITTEE REPORTS:** None

**FIRST SELECTMAN'S REPORT:** First Selectman Dan Rosenthal reported on an excellent presentation given by the Sustainable Energy Commission at the BOS meeting on Monday. They spoke about solar and electric charging stations in Town. They have a good relationship with Public Building and Site. About a year ago, the BOS appointed a building inventory work group. The First Selectman attended their meeting last week and was very impressed. They've created a database which has the ability to log any maintenance done on the buildings. It can also keep track of work done, ages of items like roofing, windows, etc; and can scan in plans. He feels this will be very beneficial from a day to day standpoint. A construction manager has been hired to begin the bidding process for the Hawley HVAC project. In response to last week's comments about the bus driver shortage – he did get a reply from the Superintendent who said it would be challenging to get other Town employees to fill in because it takes a minimum of two months to get a driver properly trained. He will continue to work with Dr. Rodrigue on this in trying to find a solution.

**NEW BUSINESS**

**GO TO PAGE 5 FOR BOE NON LAPSING FUND**

*Discussion and Possible Action*

- Introduction of 2022-23 – 2026-27 BOF Recommended CIP

Keith Alexander, Chair of BOF, presented the 2022-23 – 2026-27 Recommended CIP. *See attachment E.* This will be passed along to the new Legislative Council. He presented the changes to the 2022-23 BOS/BOE combined CIP and the main amendments to the 2021-22 approved CIP are listed out on page 60. In regards to the CIP summary, Mr. Tait said the projects appear on the prior year CIP except for year five. The bond forecast schedule does not include the \$2.5 million offset that was approved from the Federal funds to the Hawley School. Without the \$2.5 million, we are still below debt service of the total budget so we are still within where we want to be. Mr. Knapp asked if we are losing the effect of taking a year off bonding by shifting it to other years. Mr. Tait said the large difference is in year three which relates to the HVAC school project. The other changes were mainly to the library, but once the \$2.5 million for Hawley was included, the bonding will be the same except for the third year. The CIP detail will show the comparison from year to year in bonding. The First Selectman noted that the high school turf project was moved up in large part to large donations. The funding came from donors, the field-use surcharge account that comes from youth activity fees managed by Parks and Rec, plus they expect the teams that use the field to actively fundraise for it. The reality is that if we didn't have the money in hand, we would not appropriate for it or move forward with the project. Mr. Alexander briefly spoke on adjustments for the library renovations. Based on some of the adjustments and where the money was sitting, it was moved around in order to bring some of the projects forward which in turn shifted other things around.

- Consideration of BOF Recommended Amendments to the 2021-2022 approved CIP:

- \$420,000 library project added for roof, gutters, downspout and shutters replacements/upgrades/repair moved to 2021-22. To be funded by the library available fund balance reserved for capital improvements.

In relation to the recommended CIP, Mr. Lundquist explained that the reasoning behind this consideration is largely a matter of urgency. The understanding is that the roof is in dire condition and may not make it through this winter. The other element is there is a recommendation by the BOF for the project to be paid for by the library's available fund balance versus getting it funded through the CIP. Ms. Brown began the conversation by asking the Council to overturn the BOF decision and honor their CIP award for the repairs to the building. She stated that because the library is a Town building, it should be paid for with CIP funding, not donor funding described in the BOF recommendation. Ms. Dent explained that the reason the library has fallen behind in expending all of their funds is a combination of reasons. About 7-7.5% of their budget comes from fundraising by the Friends of the Library and over 7.5% from Board of Trustee fundraising. The library fund also includes PPE funding which was awarded by the State. A significant portion of the funds which have been proposed are for projects that are not eligible for the CIP such as shelving and furniture. There has been significant turnover in staffing and trustees. Since Mr. Lord arrived, there has been a lack of Trustee experience with construction, mirroring demands of supply and shortages due from Covid which have impacted their ability to deliver on all their projects. Serving as part of the Building and Grounds Committee, Mr. Villamil reported that they have had three roofers come in to inspect and assess the roof. From the information they gathered recently, they believe they have about two months time to continue to further evaluate the project. The bids they have received range in cost from \$250,000-\$380,000 including an option to recycle the existing slate. The roofers all agreed that there may be some issues over the winter like ice damming. Ms. Brown said that originally the contractor gave the impression that the roof would not withstand the winter, but currently, they have been able to gather more input and have come to the conclusion that they actually have longer than originally thought. There is some urgency but not as much as they thought a month



ago. Mr. Bernecky serves as Chief Financial Officer to the Trustees. He added that the Town grants the library, which is a 501(c)3, under \$1.4 million while their budget is \$1.6 million which mainly covers operating expenses and salaries. The difference of \$200,000+ comes from fundraising efforts which have been lessened over the last year mainly due to Covid. Ms. Reiss expressed concern that a town owned building is damaged by leaks. Did these vendors give any indication that the vendors can protect the roof and can make it through the winter. Mr. Villamil said this is his main focus. He noted that the weak points are the edges and they can begin to take protective measures to the inside of the building. Mr. Lord said this has been on the CIP for several years, but has continued to be pushed off. Mr. Knapp asked for clarification on what the intent of what the library's money was for. Mr. Lord replied that the intent of the fund balance includes various capital items such as cabinetry, flooring, furniture, maintenance to the HVAC, plus programming like the Health Literacy Project, Suicide Prevention and English Language Conversation Groups. Ms. Brown interjected that they are not asking to amend the CIP, but to overturn the BOF funding recommendation and keep the CIP that the library was already scheduled to have. First Selectman Rosenthal explained that the challenge is that with the way the current CIP was presented, they would not be able to do the roof until next year. This is why the BOF repackaged it so it could be done in the present year in a way that it would be consistent with CIP policy. Mr. Carroll commented that the leaky roof at the library has been addressed several times in the past – haven't they been repaired and why does it keep happening. Mr. Lord replied that it is five separate leaky areas which only partially have been repaired with basic repairs, chimney cap repairs and sealing. Mr. Eide expressed concern of the message this can send to potential donors. He believes the co-mingling practice of combining donations, Town allocated funds and basic library fees into one account is concerning. Ms. Dent mentioned that she has already spoken to someone about changing the by-laws to set this up as a separate fund. Mr. Tait reiterated that the fundraising should be a separate fund and operating expenses separate. Ms. DeStefano feels that it doesn't seem this needs to be allocated on the CIP thereby disrupting the future CIP because it's an emergency allocation. Mr. Lundquist replied that the library simply does not want to disrupt their own funds, and it does not sound like the danger of a failing roof is as imminent as originally described. Mr. Knapp asked if this repair is something that can wait until June/July and stay on the 22-23 plan year. Mr. Villamil believes the repairs can wait until June and if anything needs to be fixed in the interim, the library will have to use their own fund. Ms. Bloom strongly believes this is the Town's responsibility to fund the repairs. The First Selectman clarified that there is not enough money in the CIP to handle the roof right now. He also expressed that deploying resources, getting materials and working through the winter is challenging. Mr. Lundquist recommended not to take immediate action tonight which would allow the future Council enough time to figure out how to bond for it. There is enough information that is unknown at this point. Mr. Eide suggested that the next Council have the authority on hand so when the decision comes they will know if and what to shuffle. After some more discussion, the current Council decided not to take action on this tonight.

- o \$200,000 library project (unspent) in the current approved 2021-22 CIP amended to be used for HVAC comprehensive upgrades in 2022-23 (to be combined with 2022-23 \$350,000).

Mr. Lundquist stated that this should also be on hold for the next Council.

- Resolution Providing for an Appropriation of \$115,965 for Replacement of Police Vehicle MDTs (Mobile Data Terminals) to be Funded from Capital and Non-Recurring Fund

Ms. DeStefano moved the Resolution Providing for an Appropriation of \$115,965 for Replacement of Police Vehicle MDTs (Mobile Data Terminals) to be Funded from Capital and Non-Recurring Fund. Seconded by Mr. Eide. All in favor. Motion passes (11-0).

The First Selectman explained this is to replace aging equipment that we currently have in police

vehicles including dashboard cameras, backseat cameras and mobile data terminals which are failing. The reason behind the Chief asking for this now is a concern that the price will go up substantially. See attachment F.

- Transfer: \$11,150 from Contingency to Various Retirement Accounts

Ms. DeStefano moved to approve the transfer of \$11,150 from Contingency to Various Retirement Accounts. Seconded by Ms. Plante. All in favor. Motion passes (11-0).

Mr. Tait said these represent departments that have new employees who contribute to a defined contribution plan while the Town contributes 5%. See attachment G.

## OLD BUSINESS

### *Discussion and Possible Action*

- Non-Lapsing Education Fund Policy from the BOF, BOE, LC Joint Workgroup

Mr. Lundquist shared a final document from the joint work group on the non-lapsing education fund policy. Town attorney and BOE attorney reviewed the policy – while the Town attorney did not have any edits, the BOE's attorney made some formatting edits. The BOF also made changes to the agreed upon document. See attachments A and B.

Ms. Reiss moved that we accept the BOE's version of the policy as ours as well. Seconded by Mr. Carroll. All in favor. Motion passes (11-0).

**VOTER COMMENT:** Michelle Embre Ku, 28 Platts Hill Road, thanked the members of this Legislative Council. They have worked very well with the BOE and appreciated the service they received. She especially thanked Mr. Lundquist who has served on the Council for 10 years and appreciates the work he has done for the Town.

Keith Alexander, 11 Fawnwood Road, commented on the library from a personal perspective. He agrees the Town is responsible for the building. He believes that any donors that have given money to the library, should not be held responsible for maintenance such as the roof. He wished the Council good luck.

**ANNOUNCEMENTS:** Mr. Lundquist thanked everyone for all the hard work they did as a Council. He continued that it has been a pleasure and honor to have served as Chairman. He thanked Rina the clerk for all her hard work. He thanked Mr. Tait for his help and all his hard work. He is glad to see Mr. Knapp, Mr. Mihalcik, Mr. Carroll and Mr. Honan coming back to serve on the next Council. On behalf of all the Council members, Ms. DeStefano and Mr. Knapp thanked Mr. Lundquist for his great work and service as Chair. They presented him with a gift card and the 2021 Town ornament.

**ADJOURNMENT:** There being no further business, Mr. Smith moved to adjourn the meeting at 9:33 pm. Seconded by Ms. Bloom. All in favor.

*Respectfully submitted,  
Rina Quijano, Clerk*

ATTACHMENT "A" STARTS ON PAGE 6 &  
ATTACHMENT "B" STARTS ON PAGE 10

**THESE MINUTES ARE SUBJECT TO APPROVAL BY THE LEGISLATIVE COUNCIL  
AT THE NEXT MEETING.**



# Town of Newtown

## Non-Lapsing Education Fund

### Joint Work Group

## Board of Education, Board of Finance & Legislative Council

TO: Keith Alexander Chair Board of Finance  
Michelle Embree Ku Chair Board of Education  
Paul J. Lundquist Chair Legislative Council

FROM Joint Non-Lapsing Work Group:  
Dan Delia Board of Education  
Chris Eide Legislative Council  
Debbie Leidlein Board of Education  
John Madzula II Board of Finance  
Cath Reiss Legislative Council  
Ned Simpson, Chair Board of Finance

Attached is the work product of the Board of Finance Joint Non-Lapsing Work Group. We ask that your body review and act upon this recommendation.

The Work Group has been meeting since March 2021. Our efforts started with a compilation of pertinent documents. Discussion with Town Attorney D. Grogen and School District Attorney M. Ritter occurred at our May 3<sup>rd</sup> meeting. This was followed by discussions with town Finance Director, Robert Tait and schools Director of Business & Finance, Tanja Vadas. With that base of knowledge available, the Work Group worked to craft the attached document.

This agreement constitutes the entire agreement between the BOE, BoF, and LC members of the Joint Committee on the Non-Lapsing Fund. Such agreement was made notwithstanding any existing agreements, policies, and understandings, both written and oral, between the parties and policies of the parties with respect to the subject matter hereof regarding the roles, flows, and approvals for funds going into the Non-Lapsing Fund and expenditures from the Non-Lapsing Fund

With this transmittal, we consider our work complete.

Thank you for entrusting the responsibility for seeking three-way agreement.

Attached  
Non-Lapsing Joint Agreement 20210927.docx

**Non-Lapsing Education Fund**  
**A Policy Agreement between:**  
**Board of Education, Board of Finance & Legislative Council**

**Section 1. Deposits into Non-Lapsing Education Fund.**

The Board of Education may, subject to the approval of the Legislative Council, deposit into the Non-Lapsing Education Fund all or a portion of any unexpended funds from the prior fiscal year from the budgeted appropriation for education for the Town, provided that the amount deposited into the Non-Lapsing Education Fund shall not exceed the amount set forth in Section 10-248a of the Connecticut General Statutes. The Legislative Council shall consider the recommendation of the Board of Finance, if any, prior to approving the deposit of funds into the Non-Lapsing Education Fund. The Legislative Council may authorize deposits into the Non-Lapsing Education Fund in each fiscal year such that the total amount in the Non-Lapsing Education Fund may accumulate over time if not expended.

**Section 2. Timeline for Consideration of Deposits into Non-Lapsing Education Fund.**

~~No later than the first week of September~~~~On or before September 1 of each year,~~ the Board of Education shall send notice to the Legislative Council and the Board of Finance of its request to deposit all or a portion of any unexpended funds from the prior fiscal year from the budgeted appropriation for education for the Town into the Non-Lapsing Education Fund.

~~On or before September 15 of each year,~~ The Board of Finance and the Legislative Council shall hold a joint meeting to discuss the Board of Education request to deposit funds into the Non-Lapsing Education Fund.

**Section 3. Expenditure of Funds from Non-Lapsing Education Fund.**

The Board of Education may, subject to the approval of the Legislative Council, authorize expenditures from the Non-Lapsing Education Fund for any expenses that the Board of Education determines are necessary to support students or that are in the best interests of the Newtown Public Schools. The Legislative Council shall consider the recommendation of the Board of Finance, if any, prior to authorizing the expenditure of funds from the Non-Lapsing Education Fund.

If the Board of Education requests an expenditure from the Non-Lapsing Education Fund to pay for all or part of the costs of an approved Capital Improvement Plan ("CIP") project, then such request shall be deemed approved when the Legislative Council approves the CIP as part of the annual budget process.

**Section 4. Educational Purposes.**

The Non-Lapsing Education Fund shall only be used for educational purposes as required by Section 10-248a of the Connecticut General Statutes.

**Section 5. Annual Reporting Requirement.**

The Board of Education shall review the fund balance and revenues and expenditures of the Non-Lapsing Education Fund on an annual basis and provide a written report to the Legislative Council and the Board of Finance ~~at the time a request for deposit is made, on or before August 1 of each year.~~



Approved by Board of Education: \_\_\_\_\_.

Adopted by Board of Finance:

Approved by Legislative Council: \_\_\_\_\_

Mr. Simpson made a motion to amend the motion for the BOF to accept the document prepared by the BOE Non Lapsing Working Group and Section 1. Preamble be renamed to Section 1. Purpose. All in favor except Keith Alexander. Motion passes.

Sandy Roussas made a motion to amend the motion for the BOF to accept the document prepared by the BOE Non Lapsing Working Group and change the language in Section 3 subsection b to "If the BOE requests an expenditure from the Non-Lapsing Education Fund to pay for all or part of the costs of an approved Capital Improvement Plan ("CIP") project, then such request is approved when the requests for the CIP is amended and approved by appropriate parties as part of the annual review process. Ned Simpson seconded. All in favor except Keith Alexander and John Madzula. Motion passes.

# Town of Newtown

## Non-Lapsing Education Fund

A Policy Agreement between:

Board of Education, Board of Finance & Legislative Council

### **Section 1. Preamble Purpose**

In 2010, the General Assembly passed a law, Connecticut General Statutes 10-248a, establishing a mechanism through which unexpended funds from the prior fiscal year from the budgeted appropriation for education could be transferred to a fund for expenditure in future years. The intent was to avoid “spend it or lose it” transactions and reward school administration for budget management. Such a fund is called “non-lapsing” The Board of Finance (BoF) of the Town of Newtown established such a non-lapsing education fund (the “Non-Lapsing Fund”) on May 12, 2014.

The statute was amended in 2019. This change increased the-maximum deposit amount to two percent and gave a board of education the authority to spend from their non-lapsing account without review/approval from any other town body. (Attachment A)

The Board of Education (BOE) changed their policy and procedures to reflect the revised statute. During preliminary discussions the Board of Finance raised concerns regarding the proposed Board of Education drafts.

Since 2014 the Board of Education has submitted Non-Lapsing deposit and expenditure transactions to the Board of Finance, which the Board of Finance approved. Due to the COVID-19 Pandemic in 2020, the Board of Education maintained an unusually high surplus at the end of the fiscal year 2019-2020. At their September 14, 2020 meeting the Board of Finance did not approve a request for a \$1.3 million deposit of Board of Education appropriations surplus into the Non-Lapsing Fund. There was significant public criticism of this Board of Finance action. The Legislative Council then discussed the Non-Lapsing Fund and the Town’s attorney issued an opinion that it should be Legislative Council that approves Board of Education requests for Non-Lapsing transactions.

The purpose of this policy is to work within the spirit of cooperation and the law to establish a three way agreement between the Board of Education, Board of Finance and Legislative Council to define roles, responsibilities and process for Non-Lapsing Fund deposits and expenditures.

### **Section 2. Deposits into Non-Lapsing**

The Board of Education may, subject to the approval of the Legislative Council considering recommendation from the Board of Finance, deposit into the Non-Lapsing Fund all or a portion of any unexpended funds from the prior fiscal year from the budgeted appropriation for education for the Town, provided that the amount deposited into the Non-Lapsing Fund shall not exceed the amount set forth in Section 10-248a of the Connecticut General Statutes.

- A. The Board of Education shall send notice to the Legislative Council of their desire to present their request to a joint meeting of the Board of Finance and the Legislative Council to be held no later than the first week of September.
- B. The Legislative Council considering recommendation from the Board of Finance may authorize deposits into the Non-Lapsing Fund in each fiscal year.
- C. The total amount in the Non-Lapsing Fund may accumulate without limitation over time if not expended.

# Town of Newtown

## **Section 3. Use of Funds**

- A. The Board of Education shall, subject to the approval of the Legislative Council considering recommendation from the Board of Finance, authorize expenditures from the Non-Lapsing Fund for any expenses that the Board of Education determines are necessary to support students or that are in the best interests of the Newtown Public Schools.
- B. If the Board of Education requests an expenditure from the Non-Lapsing Education Fund to pay for all or part of the costs of this account to be used to help pay for an approved Capital Improvement Plan (CIP) project, then such request is approved when the Legislative Council approves the CIP requests for the CIP is amended and approved by appropriate parties as part of the annual review process.
- C. As part of the communication in Section 2. A. above, the Board of Education will provide a written summary of the Non-Lapsing Fund's balance and expenditures for the prior fiscal year

## **Section 4. Educational Purposes**

The Non-Lapsing Fund balance comes from an appropriation that was approved by the voters of the Town for educational purposes and the Board of Education shall use the Non-Lapsing Fund for educational purposes.

Approved by Board of Education: \_\_\_\_\_.

Adopted by Board of Finance:

Approved by Legislative Council: \_\_\_\_\_



# Town of Newtown

## Attachment A - The Statute - 10-248a

### 2011 Statute

**Sec. 10-248a. Unexpended education funds account.** For the fiscal year ending June 30, 2011, 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 non-lapsing account any unexpended funds from the prior fiscal year from the budgeted appropriation for education for the town, provided such amount does not exceed one per cent of the total budgeted appropriation for education for such prior fiscal year.

### 2020 Statute

**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.

### Excerpt of Comments from Board of Education's Attorney

The following is excerpt from the June 23, 2020 Board of Education CIP/Facilities/Finance Committee meeting where Matthew Ritter, Shipman & Goodwin the school district's attorney discussed the revised statute. Mr. Ritter was Speaker of the Connecticut House of Representatives for the session where the statute was passed

"Best advice I can give you regarding 10-248a, is that it is meant to be a mutually cooperative relationship. The statute involves board of education powers and town powers. If one side thinks they can do whatever they want it's going to mess up the whole concept. It really does rely on cooperation between the two sides.

Money gets deposited into the account. Expenditures get approved by the board of education for educational purposes. The language in 10-248a has some notwithstanding language regarding general statutes and local charters. It talks about how money gets deposited, expenditures from the account are approved by the board of education for educational purposes.

Question: Does this mean the local board of education can use the funds for items, including capital expenses, without going through the appropriation process set forth in the town charter as long as it is for educational purposes? The answer is Yes.

The statute overrides a town charter. Best way to look at it is this. When the money is in the account, unless you have a policy to the contrary, which is a negotiation, the fall back is 10-222. The local board's discretion on how to spend that money as long as it's for educational purposes. Could be capital, could be non-capital.

3 PRIMROSE STREET  
NEWTOWN, CT 06470  
TEL. (203) 270-4221

BOARD OF FINANCE  
MINUTES  
REGULAR MEETING  
3 Primrose Street – Council Chambers  
Thursday, October 28, 2021 at 7:30 p.m.

*These minutes are subject to approval by the Board of Finance*  
A recording of the meeting is available to the public at <https://vimeo.com/591883973>

**Present:** Keith Alexander, Ned Simpson, Sandy Roussas, Chris Gardner, Chandravir Ahuja and John Madzula

**Also Present:** First Selectman Dan Rosenthal, Finance Director, Bob Tait, Director of CH Booth Library, Douglas Lord, David Schill, Library Board Buildings and Ground Chair, and five members of the Public

Keith Alexander called the meeting to order at 7:32 p.m. Attendees saluted the American Flag.

**Voter Comments**

None

**Communications**

Chair Alexander noted the correspondence report (see attached).

Ned Simpson shared the Building Work Group plans to brief the First Selectman in November.

**Minutes**

Sandy Roussas moved to approve the minutes of October 12th, 2021. Chris Gardner seconded. All in favor and motion passes.

John Madzula moved to approve the BOF portion of the LC special joint meeting minutes of October 20th, 2021. Sandy Roussas seconded. All in favor and motion passes.

**First Selectman's Report**

The First Selectman shared that the Public Building & Site meeting discussed the Sandy Hook Permanent Memorial project with an estimated completion date of November 2022. The foundation for the water features has been poured. They are working on final drawings for drainage as they eliminated some of the storm retention structures. Delivery of the vault is on schedule mid-November. The Hawley project construction documents are due to arrive Friday, October 29<sup>th</sup> project pending November referendum (Mr. Gardner asked how much the Town has spent on the Hawley project thus far and the First Selectman noted ~\$275,000-\$300,000). The second part of the radio project is underway and the First Selectman is hoping to secure additional discounts. The Health District is running a booster clinic this weekend with 300 spots at the Senior Center. All spots have been filled.

**Finance Director's Report**

Finance Director, Bob Tait, reported on the Town General Fund Budget Analysis for the Fiscal Period ending 10/28/21 (see attached). The revenue report shows current taxes, which represents the first 3 months of the year (~55% collected). Similar to last year, the conveyance building and permanent fees will go over budget due to the increase in housing market. Expenditure report shows 9 pay periods out of 26 pay periods so far. Some departments have open positions, so savings will be shown there. Various Public Works accounts need balance; however, due to purchase orders paid throughout the year, the account is overall



sufficient. The BOE budget has the same accounting system but a different database. So on this report the BOE expenditures are put on at year-end. The BOE has their own budget report.

### **New Business**

#### *Discussion and possible action on BOF Meeting Calendar for 2022*

Chair Alexander discussed the attached calendar.

Chris Gardner made a motion to approve the BOF Meeting Calendar for 2022. Sandy Roussas seconded. All in favor and motion passes.

#### *Discussion and possible action on 2022-2023 Budget Timetable (see attached)*

Chair Alexander received this document from Bob Tait. The Board discussed why the Hearing is at the first budget meeting. The consensus was the hearing is a platform for the public to comment about the budget as prepared by the BOS & BOE.

Chris Gardner made a motion to approve the 2022-2023 Budget Timetable. Sandy Roussas seconded. All in favor and motion passes.

### **Unfinished Business**

#### *Discussion on Proposed CIP*

Doug Lord, Director of the CH Booth Library and David Schill, Building and Grounds Chair, were in attendance. Mr. Schill shared there have been efforts to repair the flashing on the roof. The contractor could not investigate a leak in the northeast corner due to the 80-year lifespan of the roof and the current existing deterioration. Replacing the slate was discussed, but cautioned due to the cost. They met with the Borough Historical Society and were told asphalt shingles would fit into the Historical District Certificate of Appropriateness. They received an estimate of \$300,000 to replace the entire roof with asphalt. The hope is to salvage the current gutters as much as possible. Mr. Tait recommended a resolution for \$60,000 to repair gutters, \$300,000 to replace roof, \$100,000 to replace the windows totaling \$460,000. Mr. Tait is recommending resolution for an amendment to the 2021-2022 CIP from \$200,000 to \$460,000. A second motion for a bonding resolution for \$460,000 and the bonding to be reduced by available resources (the ~\$60,000 available from the 2017-2018 Library Project Fund and \$200,000 available from the Library fund balance designated account.

Mr. Simpson inquired about the \$550,000 for Comprehensive HVAC Upgrades. Mr. Schill said the \$550,000 may not cover the entire project long term. Chair Alexander asked if following years CIP would significantly change due to the roof and HVAC project. Mr. Schill said there would likely be changes. Chair Alexander encouraged Mr. Lord and Mr. Schill to be mindful looking ahead to the 5 year CIP cost estimates when rearranging their priorities on the CIP.

Mr. Gardner inquired about the line item for remediation and demolition for Fairfield Hills. The First Selectman shared they are still working on a mixed-use project and the developer is working on getting historical credits, which is a complicated process. The First Selectman suggested a possible \$10MM appropriation in the Spring, which covers all remediation and demolition (except for the two buildings that the First Selectman is hopeful will be taken over by a developer).

Chair Alexander shared the BOF will vote on their amendments to the proposed CIP at the next meeting. Mr. Simpson shared with the Board he would like to discuss putting Engineering Studies under "Other Funding" rather than bond for things that do not have a long life span.

#### *Discussion and possible action on Non-Lapsing Education Fund Policy Agreement*

Chair Alexander reminded the Board that they received a letter that came with the Policy recommendation. This recommendation came as an agreement from the BOE Non Lapsing Working Group. There is a policy

from the BOE attorney as well as one from the Joint Committee. The BOE has not made any recommendations on either Policy. Mr. Simpson shared that Ms. Roussas went to a sub committee during the Spring of 2020. The town attorney, BOE attorney, the finance director, business director and many persons spent a great deal of time analyzing this issue. Ultimately, Mr. Simpson is frustrated due to the lack of consideration and thoughtfulness from the process as well as the elimination of the preamble on the BOE attorney's part.

Chandravir Ahuja made a motion for the BOF to accept the document prepared by the BOE Non Lapsing Working Group. Chris Garnder seconded.

Mr. Ahuja accepts the document and if any changes would be made it would be changing "Preamble" to "Purpose". Mr. Simpson shared his concern with using the word "unlimited".

Mr. Simpson made a motion to amend the motion for the BOF to accept the document prepared by the BOE Non Lapsing Working Group and Section 1. Preamble be renamed to Section 1. Purpose. All in favor except Keith Alexander. Motion passes.

Sandy Roussas made a motion to amend the motion for the BOF to accept the document prepared by the BOE Non Lapsing Working Group and change the language in Section 3 Sub-section B if the BOE requests it must come from Year 1 only and will be approved when the LC approves the CIP. Ned Simpson seconded.

Sandy Roussas retracts her amendment.

Sandy Roussas made a motion to amend the motion for the BOF to accept the document prepared by the BOE Non Lapsing Working Group and change the language in Section 3 sub-section b to "If the BOE requests an expenditure from the Non-Lapsing Education Fund to pay for all or part of the costs of an approved Capital Improvement Plan ("CIP") project, then such request is approved when the requests for the CIP is amended and approved by appropriate parties as part of the annual review process. Ned Simpson seconded. All in favor except Keith Alexander and John Madzula. Motion passes.

Chandravir Ahuja made a motion to accept the document prepared by the BOE Non Lapsing Working Group document with two adjustments. Chris Gardner seconded. All in favor and motion passes.

#### **Voter Comments**

None

#### **Announcements**

None

#### **Adjournment**

Sandy Roussas made a motion to adjourn. John Madzula seconded. All members were in favor and the meeting was adjourned at 9:26pm.

Respectfully submitted,  
Kiley Morrison Gottschalk, Clerk

#### **Attachments**

Correspondence Report  
2022 BOF Regular Meeting Schedule Calendar  
Non Lapsing Fund Joint Work Group Letter  
LC Special Joint Meeting Minutes

3 PRIMROSE STREET  
NEWTOWN, CT 06470  
TEL. (203) 270-4221

BOARD OF FINANCE  
MINUTES  
REGULAR MEETING  
3 Primrose Street – Council Chambers  
Monday, November 8, 2021 at 7:30 p.m.

*These minutes are subject to approval by the Board of Finance*  
A recording of the meeting is available to the public at <https://vimeo.com/729428>

Present: Keith Alexander, Ned Simpson, Sandy Roussas, Chris Gardner, Chandravir Ahuja and John Madzula

Also Present: First Selectman Dan Rosenthal, Finance Director, Bob Tait

Keith Alexander called the meeting to order at 7:32 p.m. Attendees saluted the American Flag.

**Voter Comments**

None

**Communications**

None

**Minutes**

Ms Roussas moved to approve the BOF minutes of October 28th, 2021. Mr Gardner seconded. Chair Alexander noted the correction of the 2022 BOF Regular Meeting Schedule (corrected version attached). All in favor and motion passes.

**First Selectman's Report**

The First Selectman waited until the item came up on the agenda.

**Finance Director's Report**

Finance Director, Bob Tait, waited until the item came up on the agenda.

**New Business**

*Transfer from Contingency Approved by BOS* Mr Rosenthal explained that this was retirement cost of new hires and increase of professional fees.

Ms Roussas made a motion to approve the transfer from contingency in the amount of \$11,150. Mr Gardner seconded. All in favor and motion passes.

Mr Tait mentioned that this is the first use of the contingency fund for this fiscal year.

*Discussion and possible action on appropriation for the replacement of police vehicle MTDs (mobile data terminals)*

Mr Rosenthal explained that this would usually go through the budget process. Our Purchasing Agent expects the items to increase in price about 30% very soon. This is required equipment and BOS thought it was fiscally responsible to purchase before the price increase. Current equipment was due to be replaced with a 7 year life. New equipment is improved and we should get 8-10 year life from the new equipment.

Ms Roussas made a motion to approve the on appropriation for the replacement of police vehicle MTDs (mobile data terminals) in the amount of \$115,965. Mr Madzula seconded. All in favor and motion passes

**Unfinished Business**

*Discussion and possible action on Proposed CIP*

Ms Roussas moved to accept and Mr Gardner 2<sup>nd</sup> for discussion.

Mr Simpson addressed The library CIP request.

Mr Simpson pointed out that there was \$61,000 left referencing repaving from the 17-18 bonding. The library requested \$431,000 to repave the parking lot and replace sidewalks and add cut through drop-off. Mr Simpson moved \$431,000 be changed to \$370,000 and utilize the \$61,000 already bonded to pay for the parking lot, sidewalks and cut through drop off. Ms Roussas 2<sup>nd</sup> motion approved  
Ms Roussas was concerned over fire doors but was told that was part of the cut through for drop off project.

Mr Simpson pointed out that 21-22 bonding of \$200,000 was not spent. Mr Simpson requested that money be changed to dedicated for HVAC leaving a balance of \$350,000 to be in the CIP for bonding 22-23. This would cover the \$550,000 for the HVAC upgrades.

Motion moved by Mr Simpson to rededicate \$200,000 from 21-22 CIP and \$350,000 in 22-23 CIP to cover HVAC upgrades. Ms Roussas 2<sup>nd</sup>

Both members withdrew the motion.

Mr Alexander moved to add 20-21 CIP to the agenda. Ms Roussas 2<sup>nd</sup> approved

Mr Simpson moved to change 21-22 CIP \$200,000 from space planning to HVAC upgrade and 22-23 \$350,000 to complete cost of HVAC upgrade. Ms Roussas 2<sup>nd</sup> approved

Mr Simpson pointed out that the library currently has \$826,410 in an unrestricted/capital grant account. He recommends \$420,000 which covers roof, gutter, downspouts, and shutters be paid for out of this account instead of bonding. Discussion ensued. Why bond when there is money in a savings account? There is a time component involved with the roof. By approving the spending without approving the bonding, the library will be able to spend savings without having to start the CIP process all over again. If they choose to not spend savings they will have to present arguments. Also stated this is a town building why should they have to pay for the repairs? The fund grew from money left over from budgets, ppe money from COVID and grants. The library will get a notice but it is up to them if they want to spend their savings.

Mr Simpson moved to approve spending without bonding with Ms Roussas 2<sup>nd</sup>. Approved 5-1

Mr Simpson moved the Middle School HVAC design engineering request of \$450,000 move from bonding to other. Ms Roussas 2<sup>nd</sup> for discussion.



Mr Alexander invited Mr Gerbert and Dr Rodrigue to give input. They reminded the Board that the money for Hawley design engineering came out of non lapsing not operating funds. The money includes a construction manager. There is a two year gap between the study and the project. Hawley was done in one year and it was rushed.

Mr Tait reminded that the design is part of the actual cost depreciated over 20 years as construction managers 2 ½% is as well.

Mr Simpson feels that they would have a year to find the money and if they didn't have it it could be put back. Mr Alexander prefers to have the money than to plan to have the money. Motion Fails

Mr Rosenthal brought up the back field in year 5. He stated there was a possibility of a \$200,000 donation and the use of surcharge fees to move the project forward. Dr Rodrigue spoke with the Director of Athletics who is agreeable to doing fundraising. Mr Gerbert received an updated estimate of \$760,000 in August. Mr Tait said this would be a very small impact on bonding costs.

Mr Simpson reminded the CIP policy says do not jump items to year 1. He is not opposed to moving the item to year 2.

Ms Roussas moved to move the HS turf project to year 1 for \$460,00 if \$300,000 comes from other funding. Mr Alexander 2<sup>nd</sup>. Approved 4-2

Mr Alexander moved the \$61,672,500 CIP with bonding of \$40,187,500 to the Legislative Council. Mr Gardner 2<sup>nd</sup>. approved

#### *Discussion and possible action on Non-Lapsing Education Fund Policy Agreement*

Chair Alexander reminded the Board they accepted the document prepared by the BOE Non Lapsing Working Group document with two adjustments at the last meeting. The BOE met last week and there were a few small changes. Mr Alexander will send out the revised paperwork and put the item on the next agenda.

#### **Voter Comments**

None

#### **Announcements**

Next meeting will be Monday the 22<sup>nd</sup> since Thursday the 25<sup>th</sup> is Thanksgiving. This will be the last meeting for the current Board of Finance. Mr Alexander thanked the voters for coming out to vote and for supporting the Hawley HVAC project.

#### **Adjournment**

Ms Roussas made a motion to adjourn. Mr Madzula seconded. All members were in favor and the meeting was adjourned at 8:52 pm.

Respectfully submitted,  
LeReine Frampton, Clerk

#### **Attachments**

Correspondence Report  
2022 BOF Regular Meeting Schedule Calendar  
Appropriation  
Transfer

3 PRIMROSE STREET  
NEWTOWN, CT 06470  
TEL. (203) 270-4221

BOARD OF FINANCE  
MINUTES  
REGULAR MEETING  
3 Primrose Street – Council Chambers  
Monday, November 22, 2021 at 7:30 p.m.

*These minutes are subject to approval by the Board of Finance*  
A recording of the meeting is available to the public at <https://vimeo.com/591883973>

Present: Keith Alexander, Ned Simpson, Sandy Roussas, Chandravir Ahuja and John Madzula  
Also Present: First Selectman Dan Rosenthal and one member of the Public  
Absent: Chris Gardner

Keith Alexander called the meeting to order at 7:32 p.m. Attendees saluted the American Flag.

**Voter Comments**

None

**Communications**

Chair Alexander noted he presented the CIP to the LC on November 17<sup>th</sup>. He also shared the Library Board asked the Town to bond for the roof work (after their presentation at a previous BOF meeting). Ultimately, the LC decided to wait to vote on this issue to give the Library time to provide more information before the decision is made.

**Minutes**

Sandy Roussas moved to approve the minutes of November 8th, 2021. Ned Simpson seconded. All in favor and motion passes.

**First Selectman's Report**

The First Selectman shared the BOS approved the Construction Manager for the Hawley project. The Sustainable Energy Commission presented at the last BOS meeting regarding helping Newtown to become more green. There is an article in the Bee for further information. The First Selectman shared he met with the Building Inventory Workgroup a couple of weeks ago. In short, the Workgroup built a database, which houses a lot of pertinent information regarding monitoring different components for various buildings around Town.

**Finance Director's Report**

No Report

**New Business**

None

**Unfinished Business**

*Discussion and possible action on Non-Lapsing Education Fund Policy Agreement*

Chair Alexander shared the LC adopted the same version the BOE adopted of the Non-Lapsing Education Fund Policy Agreement.

Ms. Roussas, Mr. Simpson and Mr. Madzula shared their sentiments that they still stand by the version the BOF previously passed.



### **Voter Comments**

Dr. Michelle Ku, 28 Platts Hill Road, spoke on behalf of herself and not that of the BOE. She thanked the BOF for working with the BOE overtime as well as all of their efforts in serving the Town. She also thanked Mr. Alexander for his 11 years of service to the Town.

### **Announcements**

Chair Alexander thanked Mr. Gardner, Mr. Simpson, Ms. Roussas for their efforts on the BOF over the years. He also thanked the incoming Board Members as well. Ms. Roussas thanked Mr. Alexander for all of his work as well. The First Selectman also thanked this BOF and noted they have been an effective BOF. Mr. Ahuja thanked the Board for their guidance in the time he has served. Mr. Simpson thanked the Board including the Town as a whole who show up every day and do a complex job.

### **Adjournment**

Sandy Roussas made a motion to adjourn. Ned Simpson seconded. All members were in favor and the meeting was adjourned at 7:52pm.

Respectfully submitted,  
Kiley Morrison Gottschalk, Clerk

### **Attachments**

None

**A resolution providing for an appropriation totaling \$260,000; for a Public Works 6 wheel 8 ton dump truck (\$240,000) and for safety improvements at the Fairfield Hill Campus (\$20,000). To be funded from the American Rescue Plan (ARP) grant.**

\$260,000 requested appropriation was recommended by the ARP Working Group on 12/12/2022.

The ARP Working Group is comprised of the following:

Board of Selectmen

- Ed Schierloh \*

Board of Finance

- Sandy Roussas \*
- Erica Sullivan

Legislative Council

- Charles Gardner \*
- Matthew Mihalcik \*
- Michelle Ku \*

Ex-officio

- First Selectman, Dan Rosenthal \*

\* Present

Tim Whelan  
Fleet Foreman

203-270-4300  
203-426-9968 Fax



**TOWN OF NEWTOWN**  
**DEPARTMENT OF PUBLIC WORKS**  
4 Turkey Hill Road  
Newtown, CT 06470

To: Bob Tait

From: Tim Whelan

Re: Justification for ARP funding

Date: May, 23 2022

Public works has requested ARP funding to replace a 1998 Ford L9500 6 wheel 8 ton dump truck/plow truck. This truck is an everyday used vehicle. Typical uses are in-house drainage jobs, paving, road sweeper and road grader support. It would also be used as a front line plow truck in the winter. We would spec out a heavy duty application that would serve our needs for 15 to 20 years. This 24 year truck is our oldest and suffers from serious frame/body rot and parts availability. This model was discontinued many years ago and certain parts are unavailable.

Tim Whelan  
Fleet Foreman

203-270-4300  
203-426-9968 Fax



**TOWN OF NEWTOWN**  
**DEPARTMENT OF PUBLIC WORKS**  
4 Turkey Hill Road  
Newtown, CT 06470

To: Bob Tait

From: Tim Whelan

Re: Justification for ARP funding

Date: May, 23 2022

Public works has requested ARP funding to replace 2 ageing assets.

The first request is to replace a 1998 Ford L9500 6 wheel 8 ton dump truck/plow truck. This truck is an everyday used vehicle. Typical uses are in-house drainage jobs, paving, road sweeper and road grader support. It would also be used as a front line plow truck in the winter. We would spec out a heavy duty application that would serve our needs for 15 to 20 years. This 24 year truck is our oldest and suffers from serious frame/body rot and parts availability. This model was discontinued many years ago and certain parts are unavailable.

The second request is to replace our front bucket loader. This loader is our primary machine that loads and unloads our fleet as well as all the contractors we hire throughout our season. This loader is also responsible for loading our trucks with salt sand in the winter as well as stockpiling our salt and sand products. Used with our screening plant it recycles old materials to make new materials for various road jobs as well as supporting the everyday duties at the transfer station. This 16 year old front bucket loader has 29,000 operating hours; it suffers from very expensive repair costs, and frame/body rot due to years loading and stockpiling winter salt. This machine is the backbone of our operation. We would expect 15 to 20 years of service from this loader.

## **Fairfield Hills ARPA Funds Request – Building Security**

**Goal:** Securing buildings, installing or repairing fences to continue making the buildings less able to be accessed by trespassers. It is common knowledge that people access the buildings without permission on a regular basis.

It has been suggested by a resident who was startled by persons hiding behind bushes, that the brush be removed surrounding buildings, especially Cochran House, Kent House and Norwalk Hall.

### **Plan:**

- Upon obtaining funding for the estimated necessary linear footage of fencing and gates, quotes will be obtained for items and installation.
- Public Works anticipates that they should be able to do brush trimming around Kent House, Cochran House and Norwalk Hall.
- Quotes will be requested for securing necessary open/unlocked windows and doors (expect it to be fewer than ten openings).



## Noted Areas of Concern

Building	Side of building (from front)	Details	
Cochran	Left side	Door may need to be secured	door
	Front left side of building, front of wing	window open	window
	Front of building, left interior area	missing fence, estimated 40 ft.	40
	Front of building, center interior area	missing fence, estimated 24 ft.	24
	Front of building, right interior area	missing fence, estimated 20 ft.	20
	Front of building, right corner	missing fence, estimated 90 ft.	90
	Right side of building, area to the left	missing fence, estimated 30 ft.	30
	Right side of building, area to the right	missing fence, estimated 30 - 40 ft.	40
	Back of building, area to the left	missing fence, small section	10
	Back of building, area to the left	open window	window
	Back of building, area to the right	In corner of wing, door may need to be secured.	door
	all around building	Clear brush all around the building to provide visibility to the building.	brush
Norwalk	Right side	repair fence	10
	Front of building, right side	open window	window
	all around building	Clear brush all around the building to provide visibility to the building.	brush
Kent	Back of building, left side	3 sections of fence	30
	Back of building, extension right side	repair fence	10
	Front of building, left side	repair fence	10
	all around building	Clear brush all around the building to provide visibility to the building.	brush
		estimated ft of fence to be installed	314
		Window securing	3
		Door securing	2

## Quote:

Purchase and install an estimated 350+ linear feet of 6' high chain link fence with three gates for vehicular access.

Due to the estimated timeline to either renovate Kent and Shelton Houses, or for CIP funds to be available to remediate and demolish certain buildings, it is recommended that the town purchase fencing vs. renting.

Based on an estimate of 350 linear feet of fencing and three vehicle gates, it is expected that the fencing will cost approximately \$15,000.

It is estimated that **\$20,000** will cover the gaps in fencing and securing of windows and doors that was noted in examining the buildings.

# TOWN OF NEWTOWN APPROPRIATION (BUDGET) TRANSFER REQUEST

FISCAL YEAR 2022 - 2023 DEPARTMENT Finance DATE 12/2/22

	Account	Amount	
FROM:	101123100000-5220SOCIAL SECURITY CONTRIBUTIONS	(25,000)	USE NEGATIVE AMOUNT
	101135000000-5220SOCIAL SECURITY CONTRIBUTIONS	(22,770)	
TO:			
social svcs	101111100000-5230RETIREMENT CONTRIBUTIONS	150	USE POSITIVE AMOUNT
tax collector	101111400000-5230RETIREMENT CONTRIBUTIONS	2,220	
town clerk	101111700000-5230RETIREMENT CONTRIBUTIONS	2,200	
finance	101112000000-5230RETIREMENT CONTRIBUTIONS	3,100	
police	101123100000-5230RETIREMENT CONTRIBUTIONS	6,100	
fire	101123200000-5230RETIREMENT CONTRIBUTIONS	3,000	
animal control	101123400000-5230RETIREMENT CONTRIBUTIONS	1,700	
building official	101124600000-5230RETIREMENT CONTRIBUTIONS	2,200	
public works	101135000000-5230RETIREMENT CONTRIBUTIONS	14,300	
transfer sta	101135150000-5230RETIREMENT CONTRIBUTIONS	3,200	
senior svcs	101142200000-5230RETIREMENT CONTRIBUTIONS	1,600	
library	101146700000-5230RETIREMENT CONTRIBUTIONS	1,300	
land use	101154900000-5230RETIREMENT CONTRIBUTIONS	5,000	
parks & rec	101165500000-5230RETIREMENT CONTRIBUTIONS	1,700	

## REASON:

Transfer to retirement contribution accounts due to new employees coming onto the defined contribution plan (replacing an employee that was on the town pension plan). Amounts are available in the social security contribution accounts due to unfilled (open) positions.

Number of participants increased from 48 to 66 year over year.

1 - human resources; 4 - social svcs; 1 - tax collector; 1 - purchasing; 1 - town clerk; 3 - tax assessor;  
1 - finance; 3 - information tech; 2 - senior services; 4 - communications; 11 - police; 1 - fire;  
1 - animal control; 1 - building official; 2 - land use; 14 - public works; 2 - transfer sta.; 7 - P & R;  
5 - community center; 1 - edmond town hall = 66

## AUTHORIZATION:

date:

(1) DEPARTMENT HEAD

(2) FINANCE DIRECTOR

(3) SELECTMAN

(4) BOARD OF SELECTMEN

(5) BOARD OF FINANCE

(6) LEGISLATIVE COUNCIL

## AUTHORIZATION SIGN OFF

FIRST 335 DAYS >>>>WITH IN A DEPT.>>>>LESS THAN \$50,000>>>> (1), (2) & (3) SIGN OFF; MORE THAN \$50,000>>>> (1), (2), (3) & (5)

>>>>ONE DEPT TO ANOTHER>>>>LESS THAN \$200,000>>>>ALL EXCEPT (6); MORE THAN \$200,000>>>>ALL SIGN OFF.

AFTER 335 DAYS >>>>(1), (2), (3), (5) & (6)

ANY AMOUNT FROM CONTINGENCY>>>> ALL SIGN OFF