

**LEGISLATIVE COUNCIL REGULAR MEETING
COUNCIL CHAMBERS, 3 PRIMROSE STREET, NEWTOWN, CT
WEDNESDAY, NOVEMBER 15, 2023**

MINUTES

PRESENT: Jeff Capeci, Michelle Embree Ku, Tom Long, Chris Gardner, Phil Carrol, Dan Honan, Derek Pisani, Ryan Knapp, Lisa Kessler, Matthew Mihalcik, William DeRosa

ABSENT: Charles Garrdner

ALSO PRESENT: Finance Director Bob Tait, First Selectman Dan Rosenthal, BOE Director of Facilities John Barlow, BOE Chair Deb Zukowski and 4 members of the public

CALL TO ORDER: Mr. Capeci called the meeting to order with the Pledge of Allegiance at 7:30 pm.

VOTER COMMENT: None

MINUTES: Matt Mihalcik moved to approve the minutes of the November 1, 2023 meeting. Phil Carrol seconded, all in favor.

COMMUNICATIONS: None

COMMITTEE REPORTS: None

FIRST SELECTMAN'S REPORT: First Selectman Rosenthal said he is preparing transition to the incoming First Selectman. The walking bridge in Sandy Hook will be craned out in the next week or two.

NEW BUSINESS

Transfer \$14,000 from Contingency to Other Expenditures – Matt Mihalcik moved to transfer \$14,000 from Contingency to Other Expenditures (att.). Phil Carrol seconded, all in favor.

Transfer \$3,720 from Contingency to Other Expenditures – Matt Mihalcik moved to transfer \$3,720 from Contingency to Other Expenditures (att.). Phil Carrol seconded. All in favor.

Resolution proving for an appropriation of \$130,000 for a School Facilities Study - Matt Mihalcik moved a resolution providing for an appropriation of \$130,000 for a School Facilities Study to be funded 50% from the capital & non-recurring fund and 50% from the BOE non-lapsing fund, Phil Carrol seconded. John Barlow explained that \$450,000 was approved for AC design at the Middle School. He suggested before spending that money it would be beneficial to look at all the facilities as a whole. In the end, they will have information for the 10 year capital plan. Deb Zukowski explained that there is a state statute that requires a facilities study every 10 years and we are behind. The information that comes out of the facility study will enhance the database the Town Building Strategic Plan Committee has been working on. All in favor.

Resolution relative to NHS HVAC Indoor Air Quality Grant, Head O'Meadow HVAC project and the Hawley HVAC project – John Barlow explained that the State of CT has \$244 million in grants to improve air quality in schools. They applied for Hawley School but was denied because of a technicality. Therefore they readjusted the motions to fall in line with the requirements of the grant.

Matt Mihalcik moves to authorize the signing of the Local Funding Authorization Letter for the HVAC Indoor Air Quality Grant Program at Newtown High School for A Wing and at Newtown High School for B Wing projects. Ryan Knapp seconded, all in favor.

Matt Mihalcik moves that the LC authorizes at least the preparation of schematic drawings and outline specifications for the HVAC Indoor Air Quality Grant Program at Newtown High School for A Wing and at Newtown High School for B Wing projects. Ryan Knapp seconded, all in favor.

Matt Mihalcik moves that the Newtown Public Building & Site Commission is hereby authorized as the building committee with regard to the HVAC Indoor Air Quality Grant Program at Newtown High School for A Wing and at Newtown High School for B Wing projects. Ryan Knapp seconded, all in favor.

Matt Mihalcik moves that the LC authorizes the Board of Education to apply for the 2024 HVAC Indoor Air Quality Grant Program for Public Schools from the CT Department of Administrative Services HVAC Indoor Air Quality Grant Program at Newtown High School for A Wing and at Newtown High School for B Wing projects. Ryan Knapp seconded, all in favor.

Matt Mihalcik moves to authorize the signing of the Local Funding Authorization Letter for the HVAC Indoor Air Quality Grant program for the Head O'Meadow – Replacement of Condensing Units and Coils/HVAC Project. Ryan Knapp seconded, all in favor.

Matt Mihalcik moves that the LC authorizes at least the preparation of schematic drawings and outline specifications for the HVAC Indoor Air Quality Grant Program for the Head O'Meadow – Replacement of Condensing Units and Coils/HVAC Project. Phil Carrol seconded, all in favor.

Matt Mihalcik moves that the Newtown Public Building & Site Commission is hereby authorized as the building committee with regard to the HVAC Indoor Air Quality Grant Program for the Head O'Meadow – Replacement of Condensing Units and Coils/HVAC Project. Phil Carrol seconded, all in favor.

Matt Mihalcik resolved that the LC authorizes the Board of Education to apply for the 2024 HVAC Indoor Air Quality Grant Program for the HVAC Indoor Air Quality Grant Program for the Head O'Meadow – Replacement of Condensing Units and Coils/HVAC Project. Phil Carrol seconded, all in favor.

Matt Mihalcik moves to authorize the signing of the Local Funding Authorization Letter for the HVAC Indoor Air Quality Grant program at Hawley School. Phil Carrol seconded, all in favor.

Matt Mihalcik moves that the LC authorizes at least the preparation of schematic drawings and outline specifications for the HVAC Indoor Air Quality Grant Program at Hawley School. Phil Carrol seconded, all in favor.

Matt Mihalcik moves that the Newtown Public Building and Site Commission is hereby authorized as the building committee with regard to the HVAC Indoor Air Quality Grant Program at Hawley School. Phil Carrol seconded, all in favor.

Matt Mihalcik resolves that the LC authorizes the Board of Education to apply for the 2024 HVAC Indoor Air Quality Grant Program for Public Schools from the CT Department of Administrative Services for the HVAC Indoor Air Quality Grant at the Hawley School. Phil Carrol seconded, all in favor.

Voter Comment – None

Announcements – None

Having no further business, the meeting was adjourned at 8:12pm.

Respectfully submitted,

Arlene Miles, Clerk

Attachment: Town Clerk Transfer, \$14,000; Registrars Transfer, \$3720; School Facility Study; HVAC Indoor Air Quality Programs at Newtown High School, Head O'Meadow School and Hawley School

TOWN OF NEWTOWN APPROPRIATION (BUDGET) TRANSFER REQUEST

FISCAL YEAR	2023 - 2024	DEPARTMENT	Town Clerk	DATE	10/20/23
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FROM: Account
101245700000-5899CONTINGENCY

Amount
(14,000) USE NEGATIVE
AMOUNT

TO: 101116000000-5800OTHER EXPENDITURES

14,000

REASON:

Transfer from Contingency for:

Update to the Town Code due to 9 pieces of legislation. See attached description with estimate.

AUTHORIZATION:

(1) DEPARTMENT HEAD

(2) FINANCE DIRECTOR

(3) SELECTMAN

(4) BOARD OF SELECTMEN

(5) BOARD OF FINANCE

(6) LEGISLATIVE COUNCIL

Debbie Aurelia Halstead

OCT 20 2023

10/20/23

10-20-23

11-6-23

AUTHORIZATION SIGN OFF

FIRST 335 DAYS >>>>WITH IN A DEPT.>>>>LESS THAN \$50,000>>>> (1), (2) & (3) SIGNS 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 336 DAYS >>>>(1), (2), (3), (5) & (6) ANY AMOUNT FROM CONTINGENCY>>>> ALL SIGN OFF

TO: Debbie Halstead, Town Clerk
debbie.halstead@newtown-ct.gov**FROM:** LoriAnn Shura, Account Manager
lsura@generalcode.com**CLIENT:** Town of Newtown, CT
(NE0077)**RE:** Supplement Estimate No. 8
Final Revision

Dear Debbie,

Thank you for the opportunity to provide a final revised estimate for your current supplementation project.

Source Files:

We have reviewed 9 pieces of legislation for an update to the Town Code.

For a detailed listing of the included legislation, refer to the Appendix at the end of this estimate.

We note the supplement contains extensive amendments pertaining to the Charter and Chapter 595 - Zoning.

Supplementation:

General Code will codify and supplement the legislation listed above which includes but is not limited to:

- Analysis of the new legislation and proper placement in the Code
- Removal of repealed or superseded provisions
- Updates to the Officials Page, Table of Contents, Disposition List, Appendixes, Index, Histories, Tables, Charts, and other items as necessary
- Review of statutory citations regarding the new legislation
- Any conflicts, inconsistencies, issues or questions identified at this point will be brought to the attention of the municipality for resolution prior to publication
- Insertion of cross reference and editor's notes, as appropriate
- Creation of instruction page for removing and inserting revised Code pages
- Printing of up to 4 sets of supplemental pages
- Update to eCode360

Request for Adoption Dates:

We did not receive adoption dates for:

Zoning Amendment: _____

Vehicles and Traffic: _____

Price:

Between \$13,420.00 and \$13,780.00, which includes shipping and handling.

The final invoice will follow completion of the supplement.

- Any missing legislation received may result in additional costs.
- Any newly adopted legislation received after authorization for this supplement will be held until the next supplement, unless otherwise noted.

Payment Terms:

Available upon request

Authorization:

To authorize the supplement as outlined above, please sign and return to ezsupp@generalcode.com.

This order is subject to General Code's Codification Terms and Conditions, which are available at <https://www.generalcode.com/terms-and-conditions-documents/>.

Signature: _____ Date: _____

If you have any questions, please feel free to contact me.

LoriAnn Shura, Account Manager
lishura@generalcode.com

Appendix

Legislation to be included in the code

Legislation Name

Adoption Date

Taxation Amendment - 2021-05-19

05/19/2021

Taxation Amendment - 2022-08-17

08/17/2022

Charter Amendment - 2022-11-08

11/08/2022

Fracking Amendment - 2023-01-18

01/18/2023

Reusable Checkout Bag Initiative Amendment - 2023-01-18

01/18/2023

Forests Amendment; Forest Practices Amendment - 2022-12-30

12/30/2022

Zoning Amendment

Commissions and Committees Amendment - 2023-05-17

05/17/2023

Vehicles and Traffic Amendment

New Laws

Adopted legislation that has not yet been incorporated into the Code can be found below. Once a new law no longer appear in this section.

Title	Adopted	Subject
Vehicles and Traffic Amendment 		Vehicles and Traffic Amendment
Zoning Amendment 		Zoning Amendment
Zoning Amendment (1) 		Zoning Amendment
Taxation Amendment - 2021-05-19 	2021-05-19	Taxation Amendment
Taxation Amendment - 2022-08-17 	2022-08-17	Taxation Amendment
Charter Amendment - 2022-11-08 	2022-11-08	Charter Amendment
Forests Amendment; Forest Practices Amendment - 2022-12-30 	2022-12-30	Forests Amendment; Forest Pract Amendment
Fracking Amendment - 2023-01-18 	2023-01-18	Fracking Amendment
Reusable Checkout Bag Initiative Amendment - 2023-01-18 	2023-01-18	Reusable Checkout Bag Initiative Amendment
Commissions and Committees Amendment - 2023-05-17 	2023-05-17	Commissions and Committees Amendment

**TOWN OF NEWTOWN
APPROPRIATION (BUDGET) TRANSFER REQUEST**

FISCAL YEAR	2023 - 2024	DEPARTMENT	Registrars	DATE	10/31/23
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<u>Account</u>		<u>Amount</u>	
FROM:	101245700000-5899CONTINGENCY	(3,720)	USE NEGATIVE AMOUNT

TO:	101111800000-5800OTHER EXP	3,720
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ANY AMOUNT FROM CONTINGENCY>>>> ALL SIGN OFF

11-6-23

Resolution providing for an appropriation of \$130,000 for a School Facilities Study to be funded 50% from the capital & non-recurring fund and 50% from the BOE non-lapsing fund.

INFORMATION:

The total estimated cost for the study is \$130,000 to be funded 50% (\$65,000) from the capital & non-recurring fund and 50% (\$65,000) from the Board of Education non-lapsing fund. See attached for information on the study.

Scope of Services: This facility assessment will primarily provide the Board with a professional overview of the current condition of the infra-structure and provide options to improve the facilities at Newtown Public Schools to meet existing State building/fire codes, ADA compliance, building/site accessibility, security compliance, and to house the current educational programs.

Based on, and including, the scope of work above, the successful Consultant will be expected to provide the following additional objectives:

- A. Address the need to update/replace M/E/P/FP building systems, evaluate any existing building envelope deficiencies, and consider improvements to the school's indoor air quality and use of natural lighting.
- B. Prepare a structural analysis of the existing buildings to ensure there are no deficiencies.
- C. Review and evaluate the existing property and field conditions.
- D. Complete enrollment projections and their impact on the facilities.
- E. Evaluate current buildings, looking at enrollment projections to provide a functionality assessment of all space uses.

These scope of work objectives are examples of items that shall be addressed, but are in no way limited in scope to these alone. The selected Firm shall review the entire school in its current state, and provide design solutions to address any and all issues that affect the school's daily functions. It is imperative that the selected Firm understands that they need to meet with various stakeholders, including school department heads and staff to gain insight into the use and operation of the Newtown School District facilities as the study is developed in order to provide complete and thorough solutions.

Newtown Municipal Center
3 Primrose St., Newtown, CT 06470
Tel. 203-270-4201
Fax 203-270-4205



Daniel C. Rosenthal
First Selectman
Tel. 203-270-4202
dan.rosenthal@newtown-ct.gov

TOWN OF NEWTOWN
OFFICE OF THE FIRST SELECTMAN

November 6, 2023

To Whom It May Concern:

This letter confirms the Newtown Legislative Council, which serves as the local fiscal authority and as such qualifies as *the authorizing body*, authorized the local share amount up to the full cost of the project, \$850,000 for the purpose of the High School HVAC A-Wing Equipment Replacement project.

A motion to send \$850,000 to referendum was approved by the Board of Selectmen on March 21, 2022 and the Legislative Council on April 6, 2022. It was approved by referendum on April 26, 2022.

Supporting documentation in the form of meeting minutes from the Legislative Council, and the referendum results, are included in this application.

The funding source for the match for this project is entirely local funds.

Signed,


Daniel C. Rosenthal
First Selectman

11-6-2023
Date

A. Jeffrey Capeci
Legislative Council Chair

Date

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TOWN OF NEWTOWN

OFFICE OF THE FIRST SELECTMAN

November 6, 2023

To Whom It May Concern:

This letter confirms the Newtown Legislative Council, which serves as the local fiscal authority and as such qualifies as *the authorizing body*, authorized the local share amount up to the full cost of the project, \$8,300,000, for the purpose of the Hawley HVAC project, via motions made at two meetings.

\$300,000 was approved for spending by the Legislative Council on March 4, 2022. This was not sent to referendum, as the Legislative Council has the authority to "approve, without referendum, Special Appropriations in an amount not in excess of \$1.5M [as long as] the total of Special Appropriations approved by the Legislative Council for all purposes during a fiscal year [does not] exceed an amount equal to one mil on the most recently completed Grand List." Newtown Charter 6-35 (d)(1)). This portion of the Hawley HVAC project met these parameters.

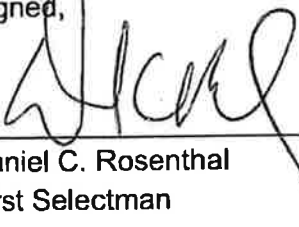
The motion to send \$8,000,000 to referendum was approved by the Board of Selectmen on August 16, 2021 and the Legislative Council on September 1, 2021. It was approved by referendum on April 27, 2021.

Supporting documentation in the form meeting minutes from the Legislative Council and Board of Selectmen, and the referendum results, are included in this application.

The funding source for the match for this project is \$2,500,000 ARPA funding, with the remainder being locally funded.

Further, the funding requested in this proposal is the total of the invoices the town has paid for this project. Documentation reflecting this is also included in this application.

Signed,


Daniel C. Rosenthal
First Selectman

11-6-2023
Date

A. Jeffrey Capeci
Legislative Council Chair

Date

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OFFICE OF THE FIRST SELECTMAN

November 6, 2023

To Whom It May Concern:

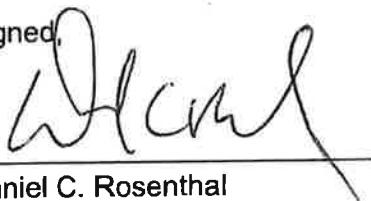
This letter confirms the Newtown Legislative Council, which serves as the local fiscal authority and as such qualifies as *the authorizing body*, authorizes the local share amount up to the full cost of the project, \$600,000, for the purpose of the Head O'Meadow HVAC project.

The Legislative Council has the authority to "approve, without referendum, Special Appropriations in an amount not in excess of \$1.5M [as long as] the total of Special Appropriations approved by the Legislative Council for all purposes during a fiscal year [does not] exceed an amount equal to one mil on the most recently completed Grand List." Newtown Charter 6-35 (d)(1)). The Head O'Meadow HVAC project meets these parameters.

A motion to authorize \$600,000 was approved by the Board of Selectmen on June 5, 2023 and the Legislative Council on June 21, 2023. Supporting documentation in the form meeting minutes from the Legislative Council and Board of Selectmen are included in this application.

The funding source for the match for this project is entirely local funds.

Signed,


Daniel C. Rosenthal
First Selectman

11-6-2023

Date

A. Jeffrey Capeci
Legislative Council Chair

Date

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3 Primrose St., Newtown, CT 06470
Tel. 203-270-4201
Fax 203-270-4205



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First Selectman
Tel. 203-270-4202
dan.rosenthal@newtown-ct.gov

TOWN OF NEWTOWN
OFFICE OF THE FIRST SELECTMAN

November 6, 2023

To Whom It May Concern:

This letter confirms the Newtown Legislative Council, which serves as the local fiscal authority and as such qualifies as *the authorizing body*, authorized the local share amount up to the full cost of the project, \$1,200,000 for the purpose of the High School HVAC B-Wing Equipment Replacement project.

A motion to send \$1,200,000 to referendum was approved by the Board of Selectmen on April 3, 2023 and the Legislative Council on June 7, 2023. It was approved by referendum on April 25, 2023.

Supporting documentation in the form of meeting minutes from the Legislative Council, and the referendum results, are included in this application.

The funding source for the match for this project is entirely local funds.

Signed,

A handwritten signature in black ink, appearing to read "D. Rosenthal", is written over a horizontal line.

Daniel C. Rosenthal
First Selectman

11-6-2023

Date

A. Jeffrey Capecci
Legislative Council Chair

Date