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TOWN OF NEWTOWN

**TOWN OF NEWTOWN LEGISLATIVE COUNCIL SPECIAL MEETING
JANUARY 8, 2020
COMMUNITY CENTER MULTIPURPOSE ROOM #3
8 SIMPSON ST, NEWTOWN, CT**

MINUTES

PRESENT: Jordana Bloom, Alison Plante, Chris Smith, Phil Carroll, Ryan Knapp, Judit DeStefano, Paul Lundquist, Chris Eide, Dan Wiedemann, Cathy Reiss, Dan Honan, Andy Clure.

ALSO PRESENT: First Selectman, Dan Rosenthal; Finance Director, Bob Tait; Superintendent of Schools, Dr. Lorrie Rodrigue; Board of Education: Michelle Embree Ku, Dan Delia, Deb Zukowski; Facilities Director Bob Gerber; Library Board: Amy Dent, Tom D'Agastino; Library Director, Doug Lord; 1 press.

CALL TO ORDER: Mr. Lundquist called the meeting to order with the Pledge of Allegiance at 7:32 pm.

VOTER COMMENT: None.

DAN HONAN MOVED TO ACCEPT THE MINUTES OF THE DECEMBER 18, 2019 LEGISLATIVE COUNCIL MEETING. SECOND BY CHRIS EIDE. ALL IN FAVOR. MOTION PASSES (11-0). Andy Clure Abstains.

COMMUNICATIONS: None.

COMMITTEE REPORTS: Committees met prior to LC meeting beginning at 7 pm.

Education: Dan Wiedemann reported he was elected Chair and Andy Clure was elected Vice Chair.

Finance and Administration: Chris Eide reported he was elected Chair and Alison Plante was elected Vice Chair.

Municipal Operations: Phil Carroll reported he was elected Chair and Jordana Bloom was elected Vice Chair.

Ordinance: Ryan Knapp reported he was elected Chair and Chris Smith was elected Vice Chair.

Committees will begin work in the near future

FIRST SELECTMAN'S REPORT:

First Selectman Rosenthal reported that the Police Department project is moving along and on budget. The Building and Site Commission meeting last Tuesday was productive. The site work is coming along, the building is gutted, and concrete pouring has begun for the Sally Port. The project is on schedule for next November. Mr. Rosenthal, referring to a previous Board of Selectmen meeting, reported that the selectmen declined the BOE request to pursue the property on 27 Church Hill (adjacent to Hawley School). Regarding

FEMA, a meeting on Jan 3 with the FEMA Inspector was the most recent activity. They requested bid copies and the request is now under final review. Mr. Tait and Mr. Rosenthal have been working on the Municipal Budget, meeting with departments, and will be presenting a proposed budget to the BOS on January 21.

NEW BUSINESS: None

UNFINISHED BUSINESS

2020-2021 – 2024-2025 CIP

Mr. Lundquist invited the BOE for discussion and to review questions: Dr. Lorrie Rodrigue, Michelle Embree Ku, Dan Delia, Bob Gerber. Dr. Rodrigue reported the CIP committee met last night, Bob answered many questions. The committee feels strongly that the time to review and adjust the CIP is the fall. Specific changes they anticipate exploring include the Head O' Meadow gas and water lines in year seven - which will possibly prove unfeasible and be removed. Middle Gate is the only school not represented in HVAC/air quality study conducted in 2002 and the committee would like to see that revisited. The committee discussed moving the Head O' Meadow boiler project currently in year 2, while leaving the LED lighting project where it is. Because there is less incentive to keeping these projects paired, they can be separated. The Reed LED and boiler projects should stay coupled, however, to maximize financial incentives and rebates. None of these considerations affect 2020/2021.

Mr. Smith inquired about the duration of rebates and placement of projects on CIP. Dr. Rodrigue explained that Reed School has as many boiler issues as the Head O' Meadow boiler, perhaps because older boilers were well built. While the Head O' Meadow boiler has some issues with one cast part, the part was repaired and the system is in good shape for its age. Both schools have complete redundancy in their boiler systems and the burners on all units are in good shape.

Mr. Carroll asked about the nature of the rebate. Mr. Gerber explained it is an incentive offered by the utility, not the state. The exact amount is unknown but it is estimated at \$20K for the Head O' Meadow project and \$100K for the Reed project.

Mr. Knapp reported that during a recent Sustainable Energy Commission meeting, which he attended, good questions and discussions on these projects occurred. He questioned the reasoning behind why the Hawley HVAC project is in the first two years of the CIP. Dr. Rodrigue explained it is the oldest building and actually was the driver of the study. The timing of the Head O' Meadow and Reed projects will be reviewed in the fall. Mr. Knapp expressed concern that the study is now 18 years old and he thinks the data should be updated before project schedules are finalized. Dr. Rodrigue explained that while Middle Gate may not be represented in the study, it has windows that can be opened, unlike Hawley, and this is one reason Hawley is a priority. Mr. Knapp expresses frustration that a year ago he asked about Sustainable Energy and Public Building and Site Commissions being engaged in the BOE's CIP process, yet they were not included up until right before the holidays. Dr. Rodrigue explained that staff changes had an impact on the process this year, and that Mr. Gerber has made engaging these commissions a priority and has been attending meetings.

Ms. Bloom asked if the state monitors or requests studies, or if the town itself initiates studies on school buildings. Dr. Rodrigue replies that the state had fielded complaints from parents but the town was compelled to conduct the study. A new study could be beneficial in capturing new information per Mr. Gerber. No elevated levels of contaminants were found in the older study, but anecdotal evidence points to needing updated HVAC. Ms. Reiss asked about ROI and potential to separate and/or reorder projects. Replacing lights with LED has benefits beyond rebates, as savings of up to 50% in energy could be realized, and we would also see reduced

maintenance needs. Reed has 1600 fixtures, and Head O' Meadow has 750 - hence the hidden savings to be experienced in reduced maintenance cost. Mr. Wiedemann opined that the timing of projects should be 100% BOE responsibility, execution should be the town's responsibility and the BOE should utilize town processes that we have; they are town buildings and we are missing out on key personnel having input into the process.

Mr. Rosenthal explained that the Charter reads Public Building and Site or their designee is responsible for town buildings (for example, they may let the BOE run with it, and might not designate a person from Public Building and Site to oversee). From a project management standpoint, they would probably delegate that job to Mr. Gerber. There might have been a disconnect previously and the entities may have fallen short on dialogue, but everyone is on the same page. Mr. Lundquist summarized that it is a good point, it's been well reiterated, and suggested coordination with other town committees and agencies is now well understood.

Mr. Smith asked about the Building Window Modifications line item - Mr. Gerber explained it is a placeholder at this point. Mr. Smith asked about the need for a generator at the Hawley school. Ideally each school should have one, however, we have done ok without one at Hawley at this point. Mr. Knapp brought up the cost of bonding and the value of taking a year off (Year Five in CIP) of bonding. The BOE expressed they are open to participating in taking a year off to help with mitigating our debt load. Mr. Knapp asked if any projects can be covered or offset by the non-lapsing fund. Dr. Rodrigue explained that none have been identified to date but it is being looked into.

BOOTH LIBRARY

Mr. Lundquist invited Booth Library representatives for discussion and to review questions: Amy Dent, Tom D'Agastino, Doug Lord. Mr. D'Agastino spoke to several library repair and restoration projects. The slate roof was removed from the docket originally asked for 2020-2021, and was pushed out to 2021-2022. It should have been replaced in 2014. The roof was not maintained correctly, and was negatively affected by a bad storm in 2011. The composite material replacement comes out to ~\$120K. The sheathing underneath which supports the roof is an issue, and subgrade roof requires replacing. The price in the CIP now includes flat roof, flashing, and skylight work. Ms. Reiss was interested in looking at real slate for longevity. Mr. D'Agastino agreed it should be revisited but is concerned about the substrate. The Borough requires that historic building repairs are done with the same material as the original build. Mr. Rosenthal questioned if the town joined the historic district voluntarily and as such, if town buildings are subject to their regulations - aesthetically it is important that there be a match, but there should be some flexibility in respect to the materials used. His office will investigate further.

Mr. Lord clarified that the meeting room (downstairs) and breakout rooms (third floor) are separate projects. The incubators provide small space for coworking, to be utilized by the many small businesses in Newtown. They are also appropriate for call and video-conferencing. The makerspace, likewise, is a bonus for people looking to do product development. These reasonably priced approaches to making space usable in different ways is a must for the library, per Mr. Lord. Ms. DeStefano commended the efforts of the library board and staff to come up with innovative ways to serve the community. Many libraries are becoming obsolete and its imperative to be innovative.

Shifting focus to the Window Renovations project - in 1996 the solution to a major drafting issues was to install plexiglass (as the irregularly sized windows are costly to have replaced). Consideration now is to remove the plexi and find a solution that leaves the windows operable and accessible for cleaning. The LED lighting/boiler combo priced at \$150K, slated for 21/22, upon reflection, is not the right solution. There is not sufficient ROI for bundling the projects or doing boiler alone, and the simplest approach is to move ahead with lighting now. A

better delivery of heat and additional flexibility on shoulder seasons is critical, but Mr. D'Agastino feels we should explore alternate solutions.

Mr. Lundquist thanked the Library board for attending. Turning to the Council, he clarified that final action on the CIP has to come next meeting; so if council members wish to propose changes, it should happen tonight so BOF can review changes and vote on what recommendations to return to the Council at their next meeting; thus the question now is whether there is further discussion on the CIP, any proposed changes or adjustments.

PHIL CARROLL MOVED TO REMOVE \$300K FOR HAWLEY VENTILATION AND HVAC RENOVATIONS - DESIGN FROM YEAR 2020-2021 (YEAR ONE) OF THE CIP. SECOND BY DAN WIEDEMANN.

Mr. Carroll stated that air quality is not in question and there is funding enough in alternate sources (non-lapsing account); therefore we should not ask tax-payers to foot this bill. Mr. Wiedemann clarified his second, noting that the reference to air quality is mixing issues; however, he feels this would be a good utilization of the non-lapsing funds that have accrued. Mr. Knapp questioned the process of removing something from the CIP as opposed to changing the funding source. RYAN KNAPP MOVED TO AMEND THE MOTION TO CHANGE THE FUNDING SOURCE FOR THE HAWLEY VENTILATION AND HVAC RENOVATIONS - DESIGN IN THE CIP BY REMOVING \$300K FROM THE 'BONDING' COLUMN AND ADDING \$300K TO THE 'OTHER' COLUMN NEXT TO THE LINE ITEM. ALL IN FAVOR TO AMEND (12-0).

Ms. Bloom and Ms. DeStefano spoke to the motion, both voiced concern that it seemed punitive - the BOE's action to pull money out of the entire project for planning was well-intentioned and responsible. We don't want to disincentivize that type of forethought.

Mr. Carroll spoke to concern that transportation overages of \$200K annually amounts to overcharging taxpayers. Mr. Wiedemann pointed out that other town departments have been asked to "spend down" their savings, meanwhile, the BOE is being encouraged to build up savings in this account. Mr. Knapp contended that budget time is not the right time to use this, but the CIP is, as it won't impact year on year fluctuation. Saving money, as opposed to bonding, is ideal, and Mr. Knapp believes the precedent is there. Chris Eide clarified, we can leave it in the CIP, then encourage the BOE to use other sources, however, we can't remove from the Bonding line item, send to voters without that amount reflected in the bonding column, and then later bond. Mr. Tait confirms. Mr. Lundquist shared that he agrees with the concept in general, and would encourage the BOE to proactively use these funds for the Hawley project as the motion suggests, but doesn't agree with the timing and feels this should have been a collaborative discussion.

MOTION TO CHANGE THE FUNDING SOURCE FOR THE HAWLEY VENTILATION AND HVAC RENOVATIONS - DESIGN IN THE CIP BY REMOVING \$300K FROM THE 'BONDING' COLUMN AND ADDING \$300 K TO THE 'OTHER' COLUMN NEXT TO THE LINE ITEM FAILS 3-9. (Dan Wiedemann, Phil Carroll, Andy Clure in favor).

Mr. Knapp shared that after attending the Sustainable Energy Commission (SEC) meeting, he has even greater concerns with respect to the sequencing of the CIP BOE projects. The SEC should have been more involved since the fall. Mr. Knapp presented two ideas: one that the boiler at Head O' Meadow is so old that it should likely be in year one and we can push the Hawley ventilation design out one year giving us time to perform a new study. Basing decisions on the number of complaints received is not data driven. It would move 43 year old boiler into year one so it's getting addressed sooner rather than later. Another advantage would be that it takes their largest project out of our largest bonding year, smoothing things out from a financial standpoint.

Another idea Mr. Knapp presented is to take what is now in year one - "Hawley Ventilation and HVAC - Design" and broaden the scope. The project is limited by how we define it and the other schools could then perhaps be studied. Mrs. DeStefano disagreed - she is concerned that broadening the scope of CIP items is not good practice, we are asking for voters to approve of a plan - that plan should be specific. Further, she is not in favor of pushing off projects that have been postponed for many years. Reluctance to broaden the scope of a CIP item was also expressed by Mr. Wiedemann, who wants to avoid being inconsistent and setting a bad precedent. Mr. Knapp argued for objective, data-driven decision making and reiterated that momentum is not a compelling reason to spend money. Mr. Rosenthal is concerned around Head O' Meadow boiler problems and the potential cost a temporary system could come with.

RYAN KNAPP MOVED TO CHANGE THE CIP: MOVE HEAD O'MEADOW BOILER PLANT AND LIGHTING FROM PLAN YEAR 2023-2024 (YEAR FOUR) TO 2020-2021 (YEAR ONE), MOVE HAWLEY - VENTILATION AND HVAC RENOVATION DESIGN FROM 2020-2021 (YEAR ONE) TO 2021-2022 (YEAR TWO), MOVE HAWLEY - VENTILATION AND HVAC RENOVATION FROM YEAR 2021-2022 (YEAR TWO) TO 2022-2023 (YEAR THREE), AND MOVE REED INSTALL HIGH EFFICIENCY GAS BOILERS AND LED LIGHTING FROM YEAR 2022-2023 (YEAR THREE) TO 2023-2024 (YEAR FOUR). SECOND BY PHIL CARROLL.

Mr. Carroll spoke to his second: Making decisions off of 18 year old data is not reliable, this action takes care of a 41 year old boiler in Year 1, smooths out bonding, and doesn't blow the debt service schedule. Mr. Lundquist felt this motion was micromanaging BOE priorities, and recognized we are also being hypothetical, that we as the Council aren't experts who should be overruling the BOE, we don't have any of the data that seems to be driving this motion, and we are not including the BOE in this discussion. He felt we would need better information to support these proposed changes. Mr. Tait says there is no net benefit or detriment to moving these projects as proposed. Mr. Eide spoke to a real need at Hawley that would be addressed - as the environment there presently is not the best set of conditions for optimal teaching and learning, verse the hypotheticals around replacing a dated boiler that is reportedly not at risk of failing. Ms. DeStefano suggested that the non-lapsing fund could be used in emergency to fix a boiler and brings up that since they are redundant, not one but two boilers would need to fail in order for there to be an emergency.

MOTION FAILS 4-8 (Phil Carroll, Ryan Knapp, Dan Wiedemann, Andy Clure in favor.)

On the topic of the Sandy Hook Permanent Memorial Commission, Ms. Reiss asked if it is it a placeholder. Mr. Rosenthal provided some insight around the design and planning process, and emphasized that community engagement is critical. November is the expected time when a more detailed plan is expected to be revealed.

CHRIS SMITH MOVED TO REMOVE HAWLEY ELEMENTARY - NEW GENERATOR AND MIDDLE GATE ELEMENTARY - WINDOW MODIFICATIONS FROM YEAR 2024-2025 (YEAR FIVE) OF THE CIP, AND ADD THESE ITEMS INTO 2025-2026 (YEAR 6) OF THE CIP. SECOND BY RYAN KNAPP.

Mr. Smith believed this sends the right message about the proposed debt vacation in year 5 of the CIP to all boards. This supports the decision to mitigate interest payments and build up the capital non-recurring so we can rely less on borrowing in the future. Mr. Eide reminded the council that the BOE plans to revisit the CIP in the fall, and this move makes no impact. Ms. Plante suggested telegraphing this message in a different way. Ms. DeStefano was in favor of communicating with the BOE directly and asking for consideration of this idea for the next iteration of the CIP. Mr. Lundquist felt this is an appropriate way to communicate the message that we don't want to bond in Year 5. Mr. Knapp voiced that the CIP is planning document and our plan should reflect our intent.

MOTION PASSES 8-4 (Dan Honan, Judit DeStefano, Allison Plante, Jordana Bloom oppose.)

CHRIS EIDE MOVED TO SEND THE CIP BACK TO THE BOF WITH THE CHANGES MADE AT THIS MEETING. SECOND BY PHIL CARROLL. PASSES 11-1 (Dan Honan opposes.)

JUDIT DESTEFANO MOVED TO REAFFIRM THE ACTION TO REFER BOF RECOMMENDED CAPITAL IMPROVEMENT PLAN POLICY TO THE FINANCE AND ADMINISTRATION COMMITTEE. CHRIS EIDE SECONDS. ALL IN FAVOR (12-0) Mr. Eide stated he would like to hear input and guidance from the entire LC as the committee starts review and deliberation.

FEMA Reimbursement Allocation – no action.

VOTER COMMENT: None.

ANNOUNCEMENTS: The next Legislative Council meeting will be on Wednesday, January 15, 2020.

ADJOURNMENT: There being no further business, the meeting was adjourned at 10:35 pm.

Respectfully submitted,

Judit DeStefano, Vice Chair, Newtown Legislative Council

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

Attachments:

Hello LC Members,

Below are answers to a few follow-up questions regarding the BOE CIP Items. Additionally, there were some questions regarding the Library CIP projects which will be addressed this evening.

- See you tonight **at 7:00pm** for Committee meetings. We'll be at the **Community Center in Multipurpose Room #3.**

Thanks,

Paul

Q: Focusing again on the Yr3 Reed School Boiler at \$1.45M, and Y4 Head O'Meadow Boiler at \$998K. These were discussed briefly, but we're still trying to get clear on why each project is in the year that it is (particularly if one boiler is considerably older than the other).

- How old is each Boiler currently?
ANS: HOM - 42 Yrs; Reed - 17 Yrs
- What is the rationale for doing the Reed School project before the Head O'Meadow project?
ANS: In terms of rationale, we could make the argument that Reed (165,000 sqft) is considerably larger than HOM (65,000 sqft) so there is the potential for greater energy savings due to significantly more light fixtures at Reed vs HOM.
- What would be the impact of switching those in priority (HoM in Y3, Reed in Yr4). Would other planning or related projects be negatively impacted in any way if those two were switched? Or is there no impact / no downside?
ANS: No major impact by making the switch other than capturing the energy savings one year later.

NOTE: The CIP committee met on Tuesday evening (1/7) prior to the BOE meeting to discuss the change suggested regarding the switching of the Reed and HOM boiler projects. BOE can speak more to this at the LC meeting.

Q: Additional question regarding energy savings projects -- specifically, lighting upgrades and how their associated rebates are handled. Can you specify the dollar value of rebates that will result from the upcoming 2022-23 Reed School and 2023-24 Head O'Meadow Lighting projects. Information given at the Sustainable Energy Commission meeting referenced approx. \$300,000, but it's unclear how that breaks out. And more specifically, where are these amounts accounted for in the overall project costs? Or does it serve to offset future energy costs? How have prior rebate funds been accounted for? Could / should it used to reduce principal (reduce interest payments) versus offsetting project costs?

Bob:

- We would need to do a complete lighting audit to quantify the numbers that they are looking for. Generally speaking, switching to LEDs could potentially reduce the operating cost of lighting anywhere from 10% to 50% depending on what is there now and what product gets installed.
- For comparison purposes, we could use data from the Middle School as an estimate since it is the same order of magnitude as Reed. Head O'Meadow and Hawley are also similar in square footage. The before and after of these two locations would provide a close estimate to what could be expected.
- The rebate number from the utility can be tricky since their specifications change from time to time regarding approved fixtures/equipment and also performance requirements. The \$300,000 referenced at the last Sustainable Energy meeting was focused on the NHS project, which included LED lights AND the boiler replacements.

Ron:

- Can't estimate lighting rebates when nothing has been designed yet. Same problem as the HAW & MS HVAC projects. Can't get precise costs without engineering, this applies to all these projects.
- \$300,000 is high for this project. Example: HS project with lighting, burners and pumps is \$300,000. HAW lighting and burners was only \$33,000 so there is no gas at HOM so there are less opportunities for rebates since you would only get rebates for the lighting portion of the project.
- All these energy rebates are given to the town to offset the capital costs of the projects. All prior rebates have been given to the Town as well. Bob bonds the net cost thereby inherently saving future principal and interest.
- Our savings come from the reduced energy consumption going forward.