

BOE Reserve fund for Capital Expenditures

General Description

Establishment of a Non-lapsing Account for BOE as allowed by CT general statute 10-248a. Assets of the reserve account are to be used for capital expenditures which have been previously approved in the six year Capital Improvement Plan. Expenditures of a capital nature not previously approved in the six year Capital Improvement Plan will qualify for funding with prior Council approval.

Revenue Sources

Upon the recommendation of the Board of Education no later than June 30 of any fiscal year, and with the approval of the Town Council no later than July 31, amounts shall be transferred from the general fund Board of Education operating budget surplus, as deemed available at the end of any fiscal year. Funds to be transferred shall not exceed 1% of the ~~budgeted appropriation~~amount appropriated to the Board of Education in the fiscal year. Investment income earned by the funds held in the fund will remain in the fund. The maximum amounts held in the Non-Lapsing Account fund ~~cannot~~may not exceed 3% of ~~budgeted appropriation~~the amount appropriated to the Board of Education in the most recently ended fiscal year.

Allowable Expenditures

The fund is to be used for capital and non-recurring expenditures as identified in a previously adopted six-year capital improvement plan. Emergency conditions, repairs or replacements to capital items not previously included in the six-year capital improvement plan can be added with a recommendation by the Board of Education and approval by the Town Council. All projects or acquisitions from the fund will require pre-approval by the Town Council. Requests from the BOE to the Town Council will be acted on within 30 days. Upon the recommendation of the Board of Education and the approval of the Town Council, an appropriation shall be set up and designated for the project or acquisition for which it has been authorized and such unexpended appropriation may be continued until such project or acquisition is completed. Any unexpended portion of such appropriation remaining after such completion shall revert to said reserve fund. Any appropriation no longer needed upon recommendation of the Board of Education and approval of the Town Council, shall revert to said reserve fund. All expenditures of the fund must comply with the purchasing rules of the Town of Coventry and applicable requirements in the Town Charter concerning approvals by Town Meeting.

Closing the Fund

The fund, once established, will continue until action is taken by the Town Council to close such fund. The Town Council will not close the fund without public notice. If the fund is closed, any remaining balance will be returned to the general fund.

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WESTPORT BOARD OF EDUCATION

POLICY #####: NON-LAPSING EDUCATION FUND

Non-lapsing Education Fund

The Westport Board of Education may request that the Town's Finance Department deposit into a non-lapsing account any unexpended funds from the Board of Education's prior fiscal year general operating budget, provided such amount does not exceed one percent of the total budgeted appropriation for education for such prior fiscal year pursuant to Connecticut General Statute Section 10-248a.

Any expenditure from the Non-lapsing Education Fund shall be authorized solely by the Board of Education.

The Board of Education may designate these funds for a specific purpose with emphasis on capital or maintenance projects. The Board will expend these funds for such previously designated specific purpose except they may also be used for other extra-ordinary or emergency expenditures which may be necessary yet otherwise not budgeted for.

The Director of Finance of the Town of Westport shall create the non-lapsing account and be responsible for the accounting of the funds in accordance with Governmental Accounting standards and Generally Accepted Accounting Principles (GAAP). It will be subject to the annual audit as required by State statute. The fund balance will be reviewed by the Board of Education on an annual basis.

Connecticut General Assembly

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10-248a Section text
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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 nonlapsing 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.

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SAMPLE BOARD OF FINANCE

**RESOLUTION ESTABLISHING UNEXPENDED EDUCATION FUNDS ACCOUNT
AND PROVIDING FOR DEPOSITS AND EXPENDITURE OF FUNDS**

WHEREAS, Section 10-248a of the Connecticut General Statutes provides for the deposit into a non-lapsing account any unexpended funds from the prior fiscal year from the budgeted appropriation for education, provided the amount does not exceed one percent of said appropriation.

BE IT RESOLVED, that in accordance with Section 10-248a, the Town of Westport (the "Town") hereby establishes an Unexpended Education Funds Account (the "Account"), which Account shall be a non-lapsing account.

BE IT FURTHER RESOLVED, that the Board of Education, acting on behalf of the Board of Finance as the authority making appropriations for the Town of Westport school district, is authorized to deposit into the Account, all or any portion of the unexpended funds from a prior fiscal year from the budgeted appropriation for education for the Town, provided that the amount of unexpended funds from such prior fiscal year does not exceed on percent (1%) of the total budgeted appropriation for education for such prior fiscal year. The Board of Education may authorize deposits to the Account in each fiscal year such that the total amount in the account may accumulate over time if not expended as provided below.

BE IT FURTHER RESOLVED, that funds in the Account may be expended by the Board of Education in its sole discretion for any capital projects or for any expenses of maintaining public schools in the Town as provided for in Section 10-248 of the Connecticut General Statutes, provided that the Board of Education shall emphasize use of the Account funds for capital or maintenance projects, or emergency expenditures which may be necessary yet otherwise not budgeted for.

BE IT FURTHER RESOLVED, that the Board of Education shall provide the Board of Finance with a written report on an annual basis of all revenues and expenditures of the Account.

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Publications

SEE YOU IN COURT - June 2013

CABE Journal

June 2013

Given heightened security concerns, the Nutmeg Board of Education included \$2,000,000 for “increased security” in the budget it submitted to the Town for next year. However, Seymour Dollars, the venerable Chairperson of the Nutmeg Board of Finance, was not happy. He sent the Board a snotty letter saying that the Board of Finance would not consider the request until the Board gives him more details.

Bob Bombast was upset with the short shrift Seymour gave to the Board’s budget request for its important security measures. If Seymour wants details, he thought, he will get details. Bob scheduled an impromptu meeting of the Finance Committee in his basement. When the members arrived, Bob unveiled his plan.

“Three hundred security cameras, with two full-time video monitors, and two security guards in each building. That should be enough detail for Seymour!” Bob declared the meeting over, and for the next hour the Board members hung out, drinking Bob’s beer and eating pizza as they gossiped about the other Board members.

At the next meeting of the Board of Education, Bob gave the report of the Finance Committee. “Seymour wants details about our security plans, and he will get them...” Before Bob could continue, a Board member interrupted him to ask whether the Board should be discussing its security plan in open session. Bob smiled. “No secrets here. We will have security cameras EVERYWHERE! We can’t be too safe. We will have cameras outside the building. We will have cameras inside the building. We will have cameras in the hallways. We will have cameras in the classrooms. Whatever happens in the Nutmeg Public Schools will happen under our watchful eyes.”

“That sounds great,” Mr. Chairperson said, thanking Bob for his report. “We will be able to keep tabs on everyone this way. And as to the funding, Mr. Superintendent has some new information to share with the Board.”

“Thank you, Mr. Chairperson,” Mr. Superintendent began. “As the Board will recall, you ordered me to impose a spending freeze last January, and it has worked wonders. Right now, we are forecasting a surplus this fiscal year of almost \$1,000,000. Normally, we would go on a shopping spree to make sure that we don’t have to return the money to the Town at the end of the year. But now we can put it in a separate account and use it next year. That way, we will have a cushion in case these security costs run over. Can someone make a motion?”

“I am shocked!” Bob responded. “As Chairperson of the Finance Committee, I should have been told about this surplus. I will follow up with you privately, Mr. Superintendent. But given the projected surplus, I agree with you, and I move that we transfer these funds into that carryover account for use next year.”

With little discussion, the Board passed the motion unanimously, authorizing Mr. Superintendent to put up to \$1,000,000 in a carryover account. Will this money be available to the Board next year?

* * *

Not likely. The Board should know more about a fairly new statute, which we will review below. But before we do, there are several other issues of concern here.

First, there are various issues with the installation of security cameras. State law requires that employers, including school boards, notify employees of electronic monitoring, which is broadly defined as:

“Electronic monitoring” means the collection of information on an employer’s premises concerning employees’ activities or communications by any means other than direct observation, including the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectronic or photo-optical systems, but not including the collection of information (A) for security purposes in common areas of the employer’s premises which are held out for use by the public, or (B) which is prohibited under state or federal law.

Conn. Gen. Stat. Section 31-48d. While the scope of the obligation to warn employees about monitoring is broad, this statute excepts from its scope cameras and other monitoring “for security purposes in common areas which are held out for use by the public.” This exception covers the exterior security cameras and probably the hallways as well. But Bob’s plan to put security cameras “EVERYWHERE” has flaws that cannot be corrected simply by notifying employees that cameras are in use.

First, Section 31-48b prohibits any surveillance in “in areas designed for the health or personal comfort of the employees or for safeguarding of their possessions, such as rest rooms, locker rooms or lounges.” Thus, cameras would not be allowed in the teachers’ lounge or similar facilities in any of the Board’s buildings.

Second, there are likely labor relations implications for Bob’s broad plan to install security cameras. The Connecticut State Board of Labor Relations follows the lead of the National Labor Relations Board on this point, and it has ruled that any general surveillance of employees is a mandatory subject of negotiations. To be sure, if an employer engages in limited surveillance for a specified purpose (for example, to see if the cafeteria manager is pocketing cash), it need not negotiate with the union(s) for the affected personnel. However, general surveillance in the workplace, such as the installation of cameras in classrooms, would likely trigger a duty to negotiate.

The other major issue here is the Board’s plan to set up a carryover account. Passed in 2010, Section 10-248a contemplates a carryover account, but not as the Nutmeg Board of Education is thinking of it:

Sec. 10-248a. Unexpended education funds account... [The] 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 such amount does not exceed one per cent of the total budgeted appropriation for education for such prior fiscal year.

Boards of education do not have the authority to set up such an account; rather, the statute gives that authority to the fiscal authority. Moreover, the statute does not specify the conditions under which a board of education may access the funds that the fiscal authority deposits in that account. Accordingly, before under-expending the budget to fund such an account, boards of education should have an understanding with the fiscal authority, preferably in writing, as to the purpose for such an account and as to whether and under what conditions the board of education may access the funds.

Finally, this month’s Freedom of Information problem relates to the meeting of the Finance Committee in Bob’s basement. Board committees are public agencies, and this meeting should have been posted and open to the public (without, however, any obligation to share the pizza with the public). Interestingly, however, if the gossiping over beer and pizza was about the Board generally and not the business of the Finance Committee, it may have be OK (at least under the FOIA). The meeting was over and less than a quorum of the Board members were present for the gossip.

Attorneys

- [Thomas B. Mooney](#)

Practice Areas

- [School Law](#)

[Hartford](#) | [Stamford](#) | [Washington, DC](#) | [Greenwich](#) | [Lakeville](#)

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Winifred Hamilton, Ph.D., Superintendent of Schools

April 23, 2013

Mr. Tim Abbazia, Chairman
Board of Finance
Stamford, CT 06904

Re: Law 10-248a- Unexpended Education Funds

Dear Tim:

As a follow up to our last meeting, attached is a formal agreement on “Unexpended Education Funds” for approval by the Board of Finance at its May 2013 meeting. We feel this will offer the Board of Education incentives to produce budget surpluses and the potential to address long term structural cost and capital project necessities.

Please call or email Superintendent Winnie Hamilton or myself if you have any questions on this. We look forward to working with you and your board members.

Sincerely,

Geoff Alswanger
President, Board of Education

Cc: Jerry Pia, BOE Fiscal Chair

MEMORANDUM OF AGREEMENT

Whereas Connecticut General Statutes § 10-248a provides:

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 nonlapsing 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.

and;

Whereas, in exercising its discretion to expend its appropriation in accordance with Connecticut General Statutes § 10-222, the Stamford Board of Education may decide to forego certain expenditures at the end of the year if it knows that the funds that would otherwise be spent will be available in subsequent years for expenditure to support school district operations; and

Whereas the Stamford Board of Finance is willing to agree that it will deposit funds unexpended from the Board of Education appropriation that would otherwise revert to the City at the end of the fiscal year, up to the statutory maximum of one percent of the total budgeted appropriation for education for that prior fiscal year, into a nonlapsing account that will be available to the Board of Education upon request for expenditure in subsequent fiscal years,

Now therefore the Stamford Board of Finance and the Stamford Board of Education agree as follows:

1. Pursuant to its authority under Connecticut General Statutes § 10-248a, the Board of Finance hereby establishes a nonlapsing account it hereby names Board of Education Carry-over Account, which shall be maintained and audited as any other City accounts.
2. If funds appropriated to the Board of Education by the City pursuant to Connecticut General Statutes § 10-222 remain unexpended at the end of a fiscal year, such funds up to a maximum of one percent of the total budgeted appropriation for education for said prior fiscal year shall be deposited into said Board of Education Carry-over Account.

3. Upon the written request of the Board of Education, funds in such Board of Education Carry-over Account as the Board of Education may identify shall be released in accordance with Charter and statute to the Board of Education for expenditure in its discretion.
4. The Board of Education identifies the following priorities in expending such funds: safety and security measures, buildings and facilities upgrades, reserves for OPEB and special education, and repayment of existing leases, provided however that the Board of Education reserves the right to expend such funds for other purposes, given that priorities may change over time.
5. The agreement is terminable at the will of either party with sixty days' prior written notice to the other.


In witness whereof, the duly authorized representatives of the parties have set their hands on the date(s) noted.

STAMFORD BOARD OF FINANCE

STAMFORD BOARD OF EDUCATION

By _____

Its Chairperson Date

By 
Geoff Alswanger 4/23/13
Its President Date

Non-Lapsing Education Fund

The Wallingford Board of Education may request that the town’s Finance Department deposit into a non-lapsing account any unexpended funds from the Board of Education’s prior fiscal year general operating budget, provided such amount does not exceed one percent of the total budgeted appropriation for education for such prior fiscal year pursuant to Connecticut General Statute Section 10-248a.

Any expenditure from the Non-Lapsing Education Fund shall be authorized solely by the Board of Education.

The Board of Education may designate these funds for a specific purpose with emphasis on capital projects. The Board will expend these funds for such previously designated specific purpose except they may also be used for other extra-ordinary or emergency expenditures which may be necessary yet otherwise not budgeted for.

The Director of the Finance Department of the Town of Wallingford shall create the non-lapsing account and be responsible for the accounting of the funds in accordance with Governmental Accounting standards and Generally Accepted Accounting Principles (GAAP). It will be subject to the annual audit as required by State statute. The fund balance will be reviewed by the Board of Education on an annual basis.

Legal Reference: Connecticut General Statutes
10-248a Unexpended Education Funds Account

Policy Adopted: 05/27/14

Attendance:

David Freedman, Board of Education
Kathy Hamilton, Board of Education
Ron Bienkowski, NPS Director of Business

• CALL TO ORDER

The Board of Education CIP/Facility/Finance committee meeting was called to order at 8:09am

• PUBLIC PARTICIPATION

None

• APPROVE MINUTES

Minutes of February 27 approved.

• COMMUNICATIONS/ANNOUNCEMENTS

Communication about Non-Lapsing Account from NPS Director of Business – see attached. Also, there was an expectation that the Board of Finance will take up this issue at its next regular meeting on April 14th.

• UNFINISHED BUSINESS

Discussion and possible action:

- *Recommendations for Board of Education Non-Lapsing Account*

The group discussed the memo sent by Mr. Bienkowski. Mr. Bienkowski discussed the timing of making a recommendation to put monies into the non-lapsing account. It would be his preference to tie the recommendation into the same timing as the year-end financial report. His concerns centered on closing out the books for the year and last minute unplanned expenses such as special education costs.

The following is the recommendation from the committee to the full Board of Education:

Adding Funds to the Non-Lapsing Educational Account

1. Each year, before August 31st, the NPS Business Director will recommend to the Board of Education an unexpended amount consistent with the Connecticut Statute 10-248a not to exceed 1% of the previous year's budgeted education appropriation to be placed into the non-lapsing education account.

2. Each year, before August 31st, the Board of Education 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.

Removing Funds from the Non-Lapsing Educational Account

The Board of Education will vote to forward a request and explanation to the Board of Finance for use of funds from the Non-Lapsing Educational Account. Consistent with the Connecticut Statute

10-248a, the use can be for any educational purpose. If appropriate, this request will also include a financial impact statement.

- **NEW BUSINESS**
None
- **PUBLIC PARTICIPATION**
None
- **ADJOURNMENT** – Meeting was adjourned at 8:48am.

Submitted: Kathy Hamilton, CIP/Facilities/Finance Committee Chair

From: Joanne Morris <morrisj@newtown.k12.ct.us>
Subject: Message from Ron Bienkowski - Section 10-248a Non-Lapsing Account
Date: April 3, 2014 1:34:05 PM EDT
To: Kathy Hamilton <KathyLHamilton@att.net>, David Freedman <dfboenewtown@hotmail.com>, Debbie Leidlein <boedebble@gmail.com>, John Reed <reedj@newtown.k12.ct.us>, Super Newtown <super@newtown.k12.ct.us>, Ron Bienkowski <bienkowskir@newtown.k12.ct.us>

1 Attachment, 498 KB

To All:

Attached please find information regarding subject.

- The recommendations are in the order of the Sub-Committee meeting minutes of 2/27/14. I have discussed and reviewed these with John Reed on 3/19/14.
- Survey results on this topic conducted by CASBO
- Sample policies/resolutions from five districts.

This information is provided for our sub-committee meeting Monday Morning.

Thanks for your review.

Ron Bienkowski

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Joanne Morris
Business Office Coordinator/District Test Coordinator
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Newtown, CT 06470
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[Section 10-...pdf \(498 KB\)](#)

Recommendations for the Board of Education Non-Lapsing Account

1. BOE identifies funds, in accordance with statute, to be placed in non-lapsing account. Time frame recommended is within the last quarter of the fiscal year and allowing enough time for the BOF to meet and act on. Source of funds should be identified as well as any anticipated future use, although no necessary.

The time frame should be, following the close of the fiscal year. The final balance cannot be determined in the last quarter of the fiscal year. The Board of Finance does not need to meet and act on this. It will be what it will be. The source of the funds will be the remaining balances as depicted on the year-end financial report usually completed and available in August of each year.

2. BOF meets and acts on BOE request and places funds into non-lapsing account designated for BOE future use.

Included in above statement, meets and acts are unnecessary steps.

3. Funds remain in account until request is formally made by BOE.

Appropriate.

4. BOE submits request to BOF and establishes purpose for use of funds. Request should follow process identified and consistent with a special appropriation request.

Board of Education submits request for use of funds. (Purpose is part of use). Process for special appropriation request is cumbersome. Perhaps reimbursements should be a simpler process. The "special appropriations" definition in the Charter references the need for which a requested appropriation is made without funds being appropriated. The funds in this Non-Lapsing account were appropriated as a result of the budget approval process from which the funds became available.

5. BOE provides rational and justification for request as well as any necessary financial impact statement should the funds be part of a longer-term obligation.

Rational and justification will probably normally be included in the preceding statement.

6. BOF meets and formally acts on request as well as providing a summary to the Legislative Council.

Appropriate. This process would include the same justification as reason to BOE.

7. Consideration needs to be given to the maximum amount that can be held in the account. Perhaps a limit should be imposed such as ½ %.

The amount that may be placed in the account is stated in the law as “not to exceed one percent of the total budgeted appropriation for education for the prior fiscal year”. The limit should be consistent with the statute. The prior fiscal year also backs up the point in number one above, that the deposit is made after the close of the fiscal year.

Why not maintain the maximum flexibility the law allows as there may be future consideration or project purposes that should not be limited by a ceiling. The statute allows local boards to have another flexible tool to address legitimate education needs.

8. What about a limit on how much you can take out of the account?

Same rationale as above, why limit the future, the report process of the Board of Education and Board of Finance will determine the appropriateness of the need.

9. Funds in account are for Board of Education use.

Yes.

10. Request should follow the process of an appropriation and be identified much like other funds. (i.e., Park and Rec funds)

Need more details on what this is but the above steps seem to address this issue.

11. Consideration should be given to the fact that the charter requires certain amounts to follow a certain process for approval and that this may or may not be appropriate for this particular process.

State law prevails over charter provisions in this situation.

Section 10-248a Unexpended Education Funds Account

<u>District</u>	<u>Town Established Fund</u>	<u>Control</u>	<u>Designated Use of Fund</u>	<u>Currently in Discussion with Town</u>	<u>Requested Establishment of Fund</u>	<u>Town Denied Request to Establish Fund</u>
Ansonia					No formal request made to Town but plan in the future	
Avon				Yes - town mgr has not yet placed on BOF agenda May 2013		
Berlin	Yes	BOE	Used for the expenses of maintaining the Public Schools			
Bethel	Yes	BOE	for opportunities and emergencies/contingencies/special education unanticipated expenses			
Bloomfield	Yes	BOE	Capital improvement projects			
Branford					No request made to the Town	
Bristol					BOE requested BOF June 2013	
Chaplin (Region 11)	Yes	BOE			BOF reviewing December 2012	
Columbia						
Cromwell	Yes	BOE	Capital expenditures (facility/building related)			
Coventry					BOE discussing	
Danbury				Yes - in discussions		Yes
Derby						
East Haddam	Yes	BOE				
East Hampton				Yes - beginning discussions		
East Lyme				Yes - beginning discussions		
Hamden					No request made to the Town	
Killingly					No formal request made to Town but plan in the future	
Madison	Yes	BOE	SPED external Placements			
Mansfield				Yes - beginning the process		
			Artificial turf field replacement and other extraordinary expenditures			
Milford	Yes	BOE				
Monroe	Yes	BOE	capital improvements and equipment purchases.			
Montville	Yes	BOE				

<u>District</u>	<u>Town Established Fund</u>	<u>Control</u>	<u>Designated Use of Fund</u>	<u>Currently in Discussion with Town</u>	<u>Requested Establishment of Fund</u>	<u>Town Denied Request to Establish Fund</u>
New Fairfield	Yes	BOE	capital improvements or equipment purchases			
New London					BOE reviewing with Town September 2013	
Newtown				Yes - in discussions	Requesting from BOF for FY14	
North Branford	Yes	BOE	Capital purchases			
North Stonington					Submitted proposal - hoping for set up by the end of the 2012-13 fiscal year trying again in FY14	
Norwalk	Yes	BOE				
Plymouth	Yes	BOE				
Preston					BOF reviewing 2012	
Putnam				Yes - in discussions		
Region 12	Yes	BOE				
Region 14 Bethlehem	Yes	BOE				
Rocky Hill	Yes	BOE	BOE has agreement with Town Council for a BOE Capital Account			
Somers			No			
Southington					No request made to the Town	
South Windsor	Yes	BOE	For SPED costs			
Stamford	Yes	BOE	Safety/security Bldg & Fac, SPED repayment of leases or other purposes as priorities change			
Stonington						Yes
Tolland	Yes	BOE	Education Non-recurring and unanticipated Expenditure Funding			
Trumbull	Yes	BOE				
Waterbury	Yes	BOE				
Westbrook	Yes	BOF	Capital and Non-recurring Expenditure Fund			
Wilton					No - but interested for the future	
Woodstock	Yes	BOE	for 5 year capital plan and/or emergency needs			
Wethersfield -						
Winchester	Yes	BOE	just for 2 years			
Count	25					

DRAFT DATED 10/4/12

**TOWN OF BERLIN
TOWN COUNCIL**

**RESOLUTION TO ESTABLISH A NONLAPSING ACCOUNT FOR THE
DEPOSIT OF UNEXPENDED EDUCATION FUNDS AND TO AUTHORIZE THE
BOARD OF EDUCATION TO APPROVE EXPENDITURES FROM THE
ACCOUNT**

WHEREAS, pursuant to Connecticut General Statutes § 10-248a, for the fiscal year ended June 30, 2011, and each fiscal year thereafter, the authority making appropriations for the school district for a 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 such amount does not exceed one per cent of the total budgeted appropriation for education for such prior fiscal year; and

WHEREAS, the Berlin Board of Education may, from time to time, have such unexpended funds in a fiscal year and may request that the Town Council, as the authority making appropriations for the Town of Berlin school district, approve the deposit of all or a portion of such unexpended funds into such nonlapsing account.

BE IT RESOLVED, that the Town Council hereby establishes the Unexpended Education Funds Account (the "Account") which shall be a nonlapsing account established pursuant to Connecticut General Statutes § 10-248a; and

BE IT FURTHER RESOLVED, that the Town Council may deposit into the Account all or a portion of any unexpended funds from a prior fiscal year from the budgeted appropriation for education for the Town, provided that such amount shall not exceed one per cent of the total budgeted appropriation for education for said prior fiscal year; and

BE IT FURTHER RESOLVED, that the Account shall be used for the expenses of maintaining the Town's public schools, which expenses may be incurred upon the approval of the Berlin Board of Education and paid by the Town as provided in Connecticut General Statutes § 10-248.

Berlin

Board of Finance motion

WHEREAS, Connecticut General Statutes §10-248a permits towns to establish a non-lapsing account from unexpended funds from the prior fiscal year from the budgeted appropriation for education provided such amount does not exceed one (1%) percent of the total budgeted appropriation for education for such prior fiscal year; and

WHEREAS, The Cromwell Board of Education is proposing establishment of such a non-lapsing account to be used for capital expenditures (facility/building related items) that shall be financed from unexpended funds in an amount not to exceed 1% of the Board's annual budgeted appropriation

NOW, THEREFORE BE IT RESOLVED, That the Cromwell Board of Finance, as fiscal authority for the Town, authorizes the creation of the non-lapsing account for the limited purpose of capital expenditures and the establishment within the Board of Education's Capital Account fund, in accordance with Connecticut General Statutes §10-248a.

MOREOVER, BE IT RESOLVED, That once the non-lapsing account is created, the monies initially transferred into the account from the Board of Education's unexpended fiscal year budget shall remain in the account and be available for the purpose of capital expenditures until exhausted by the Board of Education. After the initial transfer of unexpended funds is approved and occurs at the end of the 2012-2013 fiscal year, all future transfers of unexpended funds into the non-lapsing account created under Connecticut General Statutes §10-248a must be approved on an annual basis by the Cromwell Board of Finance.

Cromwell

Section: Business

**Subject: Budget Administration:
Non-Lapsing Education Fund**

P-3171

**Board Policy
Milford Public Schools
Milford, CT**

The Board of Education may request that the city's Board of Finance deposit into a non-lapsing account any unexpended funds from the Board of Education's prior fiscal year general operating budget, provided such amount does not exceed one percent of the total budgeted appropriation for education for such prior fiscal year pursuant to Connecticut General Statute Section 10-248a.

Any expenditure from the Non-Lapsing Education Fund established by the Board of Finance shall be authorized solely by the Board of Education.

The Board of Education may designate these funds for a specific purpose with emphasis on needs as identified in the Five Year Capital Improvement Plan (C.I.P.), but not otherwise funded in the C.I.P. The Board will expend these funds for such previously designated specific purpose except they may also be used for other extra-ordinary or emergency expenditures which may be necessary yet otherwise not budgeted for.

If the Board of Education wishes to add unexpended funds to the non-lapsing account, it must receive approval from the city's Board of Finance.

The Director of Finance of the City of Milford shall create the non-lapsing account and be responsible for the accounting of the funds in accordance with Governmental Accounting standards and Generally Accepted Accounting Principles (GAAP). It will be subject to the annual audit as required by State statute and the Charter of the City of Milford. The Director of Finance will provide a monthly reporting of the status of the account to the Chief Operations Officer.

The fund balance will be reviewed by the Board of Education on an annual basis.

Legal Reference: Connecticut General Statutes

10-248a Unexpended Education Funds Account

**Policy Submitted: July 9, 2012
Board of Education Approved: August 13, 2012**

**BOARD OF FINANCE SPECIAL MEETING
TUESDAY, JUNE 14, 2011
TOWN HALL**

Present: David Hosmer, Ronald Cabana, George McCoy, Elizabeth Murphy, Michael Dougherty; Frank Baran, Tony Walker, Karen Munroe, Barbara Rich

The meeting was called to order at 6:30 p.m. by Chairman Hosmer.

Motion by McCoy/Cabana to seat alternate Michael Dougherty as a voting member.
Unanimous.

#1. Approve Minutes of May 17, 2011 Meeting

Motion by Murphy/McCoy to approve the minutes of the May 17, 2011 meeting as presented. Unanimous.

#2. Discuss Non-Lapsing Education Fund

Board members were in favor of establishing a non-lapsing education fund under Public Act 10-108 Section 32 to allow the Board of Education to deposit any unexpended funds at the end of the budget year. There was discussion about the need to be aware every year at budget time of the balance remaining in this fund and any intended uses. The following policy, pertaining to the use of those funds, was adopted by the Board of Education and approved by the Board of Finance unanimously.

NON-LAPSING EDUCATION FUND

Any funds expended from the Non-Lapsing Education Fund established by the Woodstock Board of Finance, under Public Act 10-108 Section 32, shall be authorized by the Woodstock Board of Education.

The Woodstock Board of Education will utilize these funds on a priority basis, with emphasis on its Five Year Capital Plan and/or emergency needs.

The fund balance will be jointly reviewed by the Board of Finance and the Board of Education every three fiscal years.

#3. Citizens Participation – None

#4. Correspondence/Announcements – None

Motion by McCoy/Dougherty to adjourn. Meeting adjourned at 6:55 p.m.

Submitted,
Barbara Rich

From: Richard Rudl [mailto:rudlr@norwalkps.org]
Sent: Monday, March 24, 2014 1:55 PM
To: Don Meltabarger
Subject: RE: Unexpended education fund account

Hi Don,

We don't have a formal policy written as of yet. But we intend to bring one to our policy committee in the near future.

We did utilize the unexpended fund account last year at the end of the fiscal year, in which we carried over \$1.2 million. The process we have in place currently is in August we inform the board of our year-end unaudited results and the surplus funds we intended to request into the unexpended education account. The board has to approve the spending plan for those items then upon approval it goes to our City's Board of Estimate and Taxation for final approval. It sits on the City's books until we request the release of those funds, which have to mirror the spending plan the Board Approved and the Board of Estimate and Taxation approved. At that point the funds are released into the account specified in the BOE's operating budget. The only item we cannot use these funds for is re-occurring items that will add to our base budget (i.e Staff). Last year we used the funds to provide wireless infrastructure in our elementary schools, Textbooks and Facilities related repairs.

Hopefully this is helpful.
Thanks,

Richard Rudl
Chief Financial Officer
Norwalk Public Schools

Phone: 203-854-4063
Cell: 203-943-9722
Fax: 203-854-4065
Email: rudlr@norwalkps.org

Town of Tolland, CT
Wednesday, June 24, 2015

Chapter 8. Education Reserve Fund

[HISTORY: Adopted by the Town Council of the Town of Tolland 8-27-2013 by Ord. No. 86.
Amendments noted where applicable.]

§ 8-1. Purpose.

There is hereby created a Board of Education Special Reserve Fund pursuant to Connecticut State Statute Section 10-248a to provide funding resources solely for future Board of Education nonrecurring or unanticipated expenditure funding needs.

§ 8-2. Contributions to fund.

- A. Unexpended funds of the school district from the prior fiscal year's budgeted appropriation, not to exceed 1% of the Board of Education's adopted budget for that given fiscal year, shall be transferred upon request of the Board of Education to the Town Council into a Board of Education Special Reserve Fund. The fund shall be accounted for on the Board of Education's general ledger and will be solely used for nonrecurring or unanticipated finding needs of the Board of Education, including but not limited to capital items, unanticipated special education needs or other unanticipated costs, purchase of goods or services above the amount that was originally budgeted for items such as computers or books, etc.
- B. The Town's Finance Department and the Board of Education's Finance Department must agree on a final year-end balance, and that amount shall be confirmed by the Town's audit firm prior to any request to deposit funds from that year into the Board of Education Special Reserve Fund.
- C. Once funds are confirmed, the Tolland Town Council shall vote to commit funds pursuant to Subsection A, above.

§ 8-3. Custody of fund and investments.

The Board of Education Special Reserve Funds shall be part of the Board of Education's pooled cash account or a separate cash account in the custody of the Board of Education Business Manager and Town Treasurer. The Town Treasurer or Town Finance Director, in consultation with the Board of Education Business Manager, may, from time to time, invest all or any part of the monies in said fund in any securities in which public funds may lawfully be invested. All income derived from such investments shall be paid into the Town's General Fund and become a part thereof. The Board of Education Business Manager shall exercise control and administration of the Board of Education Special Reserve Fund on the Board of Education's general ledger in accordance with Board of Education policies.

§ 8-4. Use of monies from committed fund balance account.

Monies deposited into the Board of Education Special Reserve Fund shall be used solely by the Board of Education pursuant to the following:

- A. The Board of Education shall approve requests for purchases made from this fund
- B. Once the Board of Education approves the requested use of the funds, the designated Board of Education employee(s) will place the orders for the items pursuant to their purchasing and payment policies.
- C. At the end of each fiscal year, the Superintendent of Schools will provide the Town Council and Board of Education with financial reports to identify purchases made from the fund and any remaining balance.

§ 8-5. Continuity of account.

Any unexpended funds which may remain at the close of each fiscal year in the Board of Education Special Reserve Fund shall be nonlapsing and remain within the fund for use by the Board of Education.

§ 8-6. Review of this chapter.

The processes outlined within the sections of this chapter shall be reviewed by the Town Council and Board of Education every five years from date of adoption.

**BOARD OF FINANCE
MINUTES
SPECIAL MEETING
April 25, 2012**

CALL TO ORDER

Chairman Elaine Hammers called the Board of Finance meeting to order at 7:05 p.m. at the Town Hall, Trumbull, Connecticut. All those present joined in the Pledge of Allegiance.

PUBLIC COMMENT

There was no public comment.

Members present and absent were as follows:

PRESENT

Chairman, Elaine Hammers
Paul Lavoie
Andrew Palo
Steven Lupien
Dave Rutigliano
Tom Tesoro
Susan LaFrance, Alternate
Vincent DeGennaro, Alternate
Cindy Penkoff, Alternate

ABSENT

Also present: Timothy Herbst, First Selectman; Maria Pires, Finance Director

Mr. Lavoie moved seconded by Mr. Lupien the adoption of the following resolution:

BE IT RESOLVED: That in accordance with Section 10-248a of the General Statutes of Connecticut, there shall be created in the fiscal accounts of the Town a non-lapsing account in the name of the Board of Education into which unexpended funds from one fiscal year may be carried over into the next fiscal year, subject to the annual approval of the Board of Finance for each such fiscal year in which such a carryover is to occur. The total amount, which may be deposited in any fiscal year, shall not exceed one percent (1%) of the total appropriation to the Board of Education for the fiscal year from which the unexpended funds arose.

BE IT FURTHER RESOLVED: That effective July 1, 2012, the unexpended amount for fiscal year 2011-2012 shall be deposited, in accordance with section 10-248a of the general statutes, into a non-lapsing account, account #01-315400, and shall be assigned to the Board of Education for their exclusive use.

VOTE: 5-1-0 (against: Palo)

First Selectman Herbst thanked all who attended the meeting on such short notice, to bring some level of closure to an issue that is very important to our town. He indicated that this has been a very long and collaborative as well as a bipartisan process. The Board of Education voted unanimously to put in place FDK with funds that will become available under Section 10-248a of the General Statutes of Connecticut effective July 1, 2012. We are creating this account now so that parents can properly plan ahead for their children and families this coming school year and to give the Board of Education sufficient time to hire qualified teachers and paraprofessionals.

The Chair indicated that the purpose of tonight's meeting is to establish the account into which the funds will be deposited. We cannot do anything more. At the end of the fiscal year, once the Board of Education determines the surplus, the Board of Finance will put up to 1% of the funds into this account.

We cannot tell the Board of Education how to use the funds; however, more than 1% cannot be put into the account for use as they see fit. This year they are requesting these funds for FDK. Technically, the law does not require that they come to the Board of Finance for prior approval of use. Any funds left in the account can be carried over from year-to-year; however, the Board of Finance has to vote on whether or not to put the funds into the account each year.

When asked, Mr. lassogna indicated that at this juncture the funds will be available; that accounts are being closely monitored and there will be at least \$875,000 available at the end of the fiscal year.

ADJOURNMENT

By unanimous consent, the meeting was adjourned at 7:31 pm.

Respectfully submitted

Phyllis Collier
Board of Finance Clerk

Item #7



WESTPORT CONNECTICUT

PARKS AND RECREATION DEPARTMENT
LONGSHORE CLUB PARK
260 SOUTH COMPO ROAD, WESTPORT, CT 06880
(203) 341-5090

June 3, 2015

James S. Marpe
First Selectman
110 Myrtle Avenue
Westport, CT 06880

Dear Mr. Marpe:

The Parks and Recreation Department respectfully requests to be placed on the Board of Finance Agenda for an appropriation of \$30,800 from the capital and non-recurring expenditures fund to professional services related to engineering and permitting associated with the dredging of the channel leading to the Ned Dimes Marina at Compo Beach.

Respectfully,

Ralph Chetcuti
Interim Director of Parks and Recreation

SSMcC:sk
(Attachment)

cc: Gary Conrad
Steve Edwards
Dan DeVito

Approved for submission
To Board of Finance (6/3/15)

James S. Marpe
First Selectman



WESTPORT CONNECTICUT

PARKS AND RECREATION DEPARTMENT

LONGSHORE CLUB PARK

260 SOUTH COMPO ROAD, WESTPORT, CT 06880

(203) 341-5090

To: Board of Finance

From: Dan DeVito, Operations Supervisor

Date: June 3, 2015

Re: Maintenance Dredging of Compo Channel

The Parks and Recreation Department is requesting an appropriation of \$30,800 from the capital and non-recurring expenditures fund to professional services related to engineering and permitting associated with the dredging of the channel leading to the Ned Dimes Marina at Compo Beach.

The project is in the town's capital forecast. The services requested will provide an estimate of the cost for the proposed dredging.

Project Description

The recent series of large storms have resulted in considerable shoaling of the Compo channel creating obstacles to navigation during lower tides. The attached memorandum from Steve Edwards, Director of Public Works outlines the scope of services for the design phase of the project for which these funds are being requested.

Project Cost

Total project cost will be determined as part of this design phase. Additionally, the Town will seek opportunities for assistance from State of CT DOT as outlined in Mr. Edwards' memo.

Project Funding

It is anticipated that the a percentage of the total project cost will be passed through to the boaters as a debt service recovery item in accordance with previous projects of this nature. The percentage of recovery will be determined by the Parks and Recreation Commission.

Board of Finance

Page #2

June 3, 2015

There is a substantial debt service item on the books for the boating operations which will expire with the 2015/16 payment. This debt service item would assume all or part of that liability so the impact on boat fees may be minimal.

Project Support

The Boating Advisory Committee has made this project a top priority. The Parks and Recreation Commission has directed the staff to proceed with the design and permitting phase.

Project Approvals

The project will require approval from State of CT DEEP as well as the U.S. Army Corps of Engineers. Local funding approvals fill also be required.

Project Schedule

Project schedule will be determined based on the DEEP permitting requirements. Based on current conditions time is of the essence.

Project Administration

The Department of Public Works will provide project oversight of the engineering and dredging.

DD:sk

(Attachments)



WESTPORT CONNECTICUT

DEPARTMENT OF PUBLIC WORKS

TOWN HALL, 110 MYRTLE AVE.

WESTPORT, CONNECTICUT 06880

March 5, 2015

MEMORANDUM

TO: Stuart McCarthy
Director of Parks & Recreation

FROM: Stephen J. Edwards
Director of Public Works

Re: **Maintenance Dredging of Compo Marina Channel**

At your request, this office solicited the attached quotation for Professional Services to determine the amount of shoaling that has occurred in the Compo Marina channel and the marina proper and development of documents to acquire a permit to dredge and specifications suitable for bidding the desired work.

The scope of professional services first provides for a hydrographic survey to identify the amount of shoaling and establish quantity estimates for the dredge permit application. The consultant will then meet with the Office of Long Island Sound Programs to review the scope of the proposed project and determine the level of sampling that will be required. Sediment sampling will then be performed and the permit application will be completed for our execution and submission. The consultant will continue to track the progress of the permit until it is issued.

The estimated cost for the engineering services is \$17210.00 and the third party laboratory is estimated at \$10,775.00. Assuming a 10% contingency would provide for a budget estimate of \$30,800.00.

Several weeks ago, I had a discussion with Mr. Joseph R. Salvatore, the Dredging Coordinator for the CT Department of Transportation, Waterways Administration, regarding the potential for financial assistance from the CT DOT, on this project and was encouraged that they did have a source of funds for reimbursement of local dredging projects. The funding typically is a Grant-in-Aid with up to 80% funding available for selected projects. He suggested that once we enter into a contract for the work we notify his office of our intent and anticipated scope of the work.



611 Access Road
Stratford, CT 06615
Tel: 203.377.0663
Fax: 203.375.6561

ROBERGE ASSOCIATES
Coastal Engineers, LLC

January 10, 2015

Town of Westport
Public Works Department
110 Myrtle Avenue, Room 210
Westport, CT 06880

Attention: Stephen J. Edwards, Director of Public Works

Reference: Proposal for Professional Services – *Maintenance Dredging of Compo Marina*

Dear Mr. Edwards:

ROBERGE ASSOCIATES COASTAL ENGINEERS, LLC (RACE) is pleased to provide you with this proposal for Professional Services related to the maintenance dredging of the Compo Marina and associated access channel in Westport, CT. The Town of Westport (“Client”) will be the Client for this project.

The following paragraphs describe our understanding of the project and define the anticipated Scope of Professional Services which RACE will provide to you.

1.0 PROJECT DESCRIPTION:

It is understood that the Project will be for the engineering services related to:

PHASE 1 – Permit Application Phase

- 1.1 Condition Hydrographic Survey
- 1.2 Pre-Application Meeting with Office of Long Island Sound Programs (OLISP)
- 1.3 Dredged Material Sampling and Testing Phase
- 1.4 Preparation of Regulatory Permit Applications
- 1.5 Permit Follow-up

PHASE 2 – Construction Phase

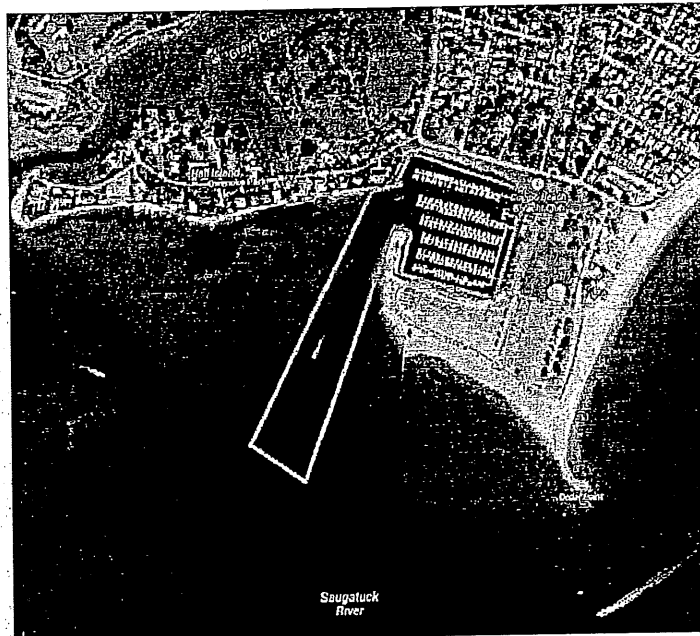
- 1.5 Design of Maintenance Dredging Project and Solicitation of Competitive Bids
- 1.6 Engineering Services During Construction

The following paragraphs identify the specific scope of services to be provided. These services are provided as the BASIC Services for the completion of this work. Services which are not specifically identified as Basic Services will be considered as ADDITIONAL Services. ADDITIONAL Services are NOT included as a part of this agreement.

PHASE 1 – Permit Application Phase

1.1 Condition Hydrographic Survey

RACE will perform a condition hydrographic survey of the project site to determine the existing marina and access channel depths and estimate dredge material volumes for budgeting and regulatory permit application purposes. The approximate extent of the survey area is depicted below:



Photograph #1 – Proposed Maintenance Dredging Area

It shall be the responsibility of the Client to provide RACE with a current property line and structure survey of the property and to authorize the Surveyor to provide that data in electronic format to RACE. This survey data shall include a vertical benchmark, showing a fixed elevation referenced to a known datum.

Soundings will be performed at 20 foot nominal line spacing. RACE will furnish all equipment, materials, labor, and supervision to perform the condition hydrographic survey at the site. The survey will be performed under the direction of a Certified Hydrographer and Licensed Professional Engineer. Positioning will be obtained using the Trimble AG132 differential global positioning system (DGPS). Differential corrections will be made based upon local US Coast Guard maintained beacons. Horizontal position accuracy shall be less than 1 meter horizontal, RMS. Bottom elevation measurements will be performed along pre-defined transect lines set at a predetermined spacing and recorded continuously along each transect. Bottom elevations will be recorded using the Innerspace Model 455 Survey Depth Sounder and a 200kHz 8° transducer. Recorded water depths will be corrected for tidal variation and expressed in feet and tenths of feet. RACE will utilize the industry standard HYPACK software, supplied by Hypack, Inc. to establish navigation and survey lines, data collection, and post processing.

1.2 Pre-Application Meeting With OLISP

Prior to the preparation and submission of any applications for regulatory approval of the proposed dredging, **RACE** will request and attend a Pre-Application meeting with the State of Connecticut, Department of Energy and Environmental Protection (DEEP), Office of Long Island Sound Programs (OLISP). Based upon the proposed dredging limits and the historic regulatory authorizations, **RACE** will meet with representatives of OLISP to review project objectives and statutory requirements. The objective of this meeting is to determine the specific statutory requirements and potential restrictions which may be imposed upon any element of the project and to assess the site resource restrictions which could be problematic to successful project completion.

It is anticipated that OLISP will recommend pursuit of authorization for maintenance dredging through the Certificate of Permission (COP) process, though they may require alternative application processes. It is assumed for the purpose of this proposal that the proposed dredging will be authorized under the COP process. In order to qualify for a COP, it will need to be demonstrated that there has been previous, permitted maintenance dredging and that the dredged area has been continuously maintained and serviceable. The results of this meeting will be summarized in a letter of record and provided to all participants, including OLISP. The time period for review of the COP is mandated by statute as 90 days.

Alternatively, it may be determined that the proposed dredging will require a Structures & Dredging Permit from OLISP. Additional fees for professional services may apply if a Structures & Dredging Permit is required. **RACE** will provide the Client with an estimate of any additional costs if a Structures & Dredging Permit is required. There is no specific statutory response time for a Structures & Dredging Permit by OLISP. It has been the experience of **RACE** that the regulatory review can be a lengthy and arduous process. Permit review periods of more than 12 months are typical.

1.3 Dredged Material Sampling and Testing Phase

Assessment of proposed dredging projects by the State of Connecticut and the US Army Corps of Engineers requires that a plan for sampling and subsequent testing of the dredged materials be performed to the standards of those agencies. **RACE** will develop a proposed sampling plan and coordinate with the agencies to execute the sampling. For the purposes of this proposal, it is estimated that eight (8) samples may be required.

This sampling will be performed in one day utilizing in-house sediment sampling equipment. The cost for sediment sample collection and transfer to the testing laboratory is \$3,000. This price assumes that sediment samples are less than 4 feet in total length. If, due to the final selected dredging depth, core samples exceed this length then there may be additional costs for sampling. **RACE** will provide an estimate to the Client if alternative sampling methods are required. The sample(s) will be delivered to a qualified and approved laboratory for testing. The sampling report will be prepared and provided to the agencies. The report will be incorporated into the applications for permits to perform the dredging. The costs for testing will be invoiced separately. Recent experience indicates that testing costs are approximately \$1,300 per sample for bulk chemistry analysis. The costs for sampling and testing will be invoiced as a direct pass-through to the Client.

For budgetary development it has been estimated that the agencies will require eight (8) samples to be withdrawn and tested. Costs may exceed the budgetary amount included in Section 2 depending on the required quantity of samples and specific testing parameters. RACE will provide laboratory estimates for the testing work prior to authorization. The actual costs will be the responsibility of the Client.

1.4 Preparation of Regulatory Permit Applications

As noted, the anticipated maintenance dredging work will require either a Certificate of Permission (COP) or a full Structures & Dredging Permit from the CT DEEP, Office of Long Island Sound Programs (OLISP). For the purpose of this proposal, it is assumed that the proposed maintenance dredging will be reviewed by OLISP under the COP process. **RACE** will prepare the permit sketches, volume calculations, photographs, and narrative required for this application. There is no statutory response time for OLISP review of the full permit application.

RACE will also provide a copy of the OLISP Permit Application to the US Army Corps of Engineers (USACE) for their assessment. The Owners shall be responsible for all application fees. Such fees are not included as a part of this proposal. The preparation of the required OLISP and US Army Corps of Engineers permit applications by **RACE** does not imply or assure approval of the applications by those agencies. No allowance has been made in this proposal for any Town of Greenwich permits that may be required.

1.5 Permit Follow-Up

Subsequent to submittal of the permit application, **RACE** will respond to reasonable requests from the regulatory agencies concerning clarification or modification of the submitted applications. The estimated cost for this service is included as a part of the BASIC SERVICES and represents up to eight (8) hours of professional service. The actual costs will be invoiced at the rates provided as a part of this Agreement, but will not exceed the budgeted value without the prior written approval of the Client.

PHASE 2 – Construction Phase

1.6 Design of Maintenance Dredging Project

RACE will prepare design drawings, suitable for construction, of the anticipated dredging project. These drawings will include a plan of the site showing the limits of the dredging and related construction activities. The plan will also identify those regulated resources requiring special consideration by the regulatory agencies. The design drawings will include typical sections and appropriate details of the area of dredging and typical dredging sections. The drawings will include narrative specifications for related construction information. The Construction Documents will include final design drawings and specifications for the maintenance dredging of the facility.

1.7 Engineering Services During Construction

As part of this Task, **RACE** will:

- Assist the Client with preparation of a Draft construction contract
- Review bids
- Attend pre-construction meeting
- Perform routine observations of work in progress
- Prepare and submit required project completion documentation to the regulatory agencies.

A total of forty (40) hours of professional service time is included in this Task. Actual costs for this service will be invoiced at the hourly rates included as part of this Agreement.

RACE will also perform a Pre and Post Dredge hydrographic survey of the proposed dredging area. These surveys will determine the volume of sediment that has been removed and will verify operating depths. It is recommended that these surveys be the basis of payment for the contractor. It is the

experience of RACE that a Post Dredge survey will be required by the CT-DEEP and ACOE as part of the permit requirements.

1.8 Exclusions

The following are specifically excluded from the BASIC SERVICES to be provided as a part of the proposed work. Should these or other tasks be requested by the Client, the costs for these will be invoiced as ADDITIONAL SERVICES at the rates provided herein.

1. Design or analysis of floating dock anchor piles.
2. Review and approval of alternate designs proffered by the contractor.
3. Additional site visits during construction of structural or regulatory aspects of the project. Such observations, requested in writing by the Client, can assist in quality control, coordination, and conformance with drawings and specifications, but do not guarantee contractor performance.
4. Follow-up meetings except as noted, and associated costs.
5. Repairs to ancillary structures.
6. Reproduction, mailing and courier costs.

2. ESTIMATED COSTS:

The estimated costs for the proposed engineering services are broken down by Task on the following Table. Any ADDITIONAL Services which may be requested by the CLIENT during the performance of the BASIC Services will be invoiced separately and at the rates specified in this Agreement. Specific costs for BASIC Services are identified in the following Table.

All reimbursable expenses shall be invoiced at direct cost plus 10% overhead expense. Reimbursable expenses shall include such expenses as: overnight deliveries; courier services; reproduction of documents; shipping and mailing expenses; and any other disbursement including without, limitation, application fees made on behalf of the Client. The total fee payable, projected prior to commencement of services, if stated, shall be a reasonable estimate subject to change. The final fee shall not exceed by more than 10% of such estimate, exclusive of reimbursable expenses, without prior written approval of the Client. Where the fee arrangement is to be on an hourly basis, the rates shall be those included as a part of this Agreement.

BASIC SERVICES COST SUMMARY

Task Description	Basic Cost Professional Fees	Pass-Through Estimate
1.1 Condition Hydrographic Survey	\$3,200	
1.2 Pre-Application Meeting With OLISP	\$750	
1.3 Dredged Material Sampling and Testing Phase		
• Prepare Sediment Sampling Work Plan	\$2,350	
• Sediment Sample Acquisition	\$3,000	
• Sediment Testing Laboratory Cost Estimate		\$10,400 (1)
1.4 Preparation of Regulatory Permit Applications	\$3,950	\$375 (2)
1.5 Permit Follow-Up	\$1,320	
1.6 Design of Maintenance Dredging Project	\$2,640	Add to Phase I
1.7 Engineering Services During Construction		
• Professional Services Total of 40 hours of professional services estimated for this Task	\$5,200	
• Pre-Dredge Hydrographic Survey	\$3,200	
• Post-Dredge Hydrographic Survey and payment volume computations	\$3,950	
PHASE 1 – Permitting Phase Cost (Tasks 1.1 – 1.5)	\$14,570	\$10,775
PHASE 2 – Construction Phase Cost (Tasks 1.6 – 1.7)	\$14,990	
TOTAL DREDGING PROJECT ESTIMATED COST	\$29,560	\$10,775

- (1) Refer to Section 1.4 for sediment sampling and testing assumptions.
- (2) COP Application Fee

Invoices for professional services shall be submitted, at the option of RACE, either upon completion of such services or on a monthly basis. Invoices shall be payable within thirty (30) days after the date of the invoice. All billings over thirty (30) days past due will be subject to interest charges of 1.0% per month on the unpaid balance. In the event that part or all of the account remains unpaid in full, ninety (90) days after initial billing, the Client shall be responsible for all costs of collection including, without limitation, reasonable attorney’s fees. This Agreement is notice, where required, that RACE shall file a lien whenever necessary to collect past due amounts. Failure to make payment within thirty (30) days of invoice shall constitute a release of the RACE from any and all claims which client may have, either in tort or contract, and whether known or unknown at the time.

All time and materials invoices and all Additional Services shall be invoiced per the following Rate Schedule for the professional services indicated. These rates are subject to change at the beginning of each calendar year.

2015 RATE SCHEDULE

POSITION	HOURLY RATE	POSITION	HOURLY RATE
Principal	\$205.00	Engineering Associate	\$90.00
Project Manager	\$165.00	CAD Operator	\$80.00
Project Engineer	\$130.00	Technician	\$75.00
Engineer	\$115.00	Administrative	\$65.00

3. GENERAL TERMS AND CONDITIONS:

This agreement shall be governed by the laws of the State of Connecticut.

Risk Allowance The parties to this agreement agree that the risks of the proposed project shall be allocated such the total liability of RACE to the Client for any and all claims, injuries, losses, expenses, damages or claim expenses arising out of this Agreement from any cause or causes shall not exceed ten (10) times the total fee for services of the Engineer at the time such claims or causes arise or \$50,000.00, whichever is less. Such claims or causes include, without limitation, negligence, errors, omissions, strict liability, breach of contract and breach of warranty.

Permits RACE will assist the Client in applying for and obtaining regulatory permits and approvals normally required by law. This assistance shall not extend to the preparation of environmental impact reports, research studies, special documentation, or special tests. Such services, if required, shall be compensated for as ADDITIONAL services. Permit fees and the cost of posting public notices in local publications, etc., shall be the responsibility of the Client.

Flow of Work Fees assume a steady progression of the work from start to finish. A start-up fee will be charged to resume work delayed for more than 30 days for any reason. This proposal for engineering services is based upon the assumption that the Client will provide all required information in a timely manner. RACE will not be expected to proceed with portions of his work until necessary information to be provided by the Client and requested in writing by RACE has been provided. If the Client requests RACE to perform work out of sequence or based upon preliminary information, then additional time required to perform work under these circumstances or to revise work based on revised project data or criteria supplied by the Client will be billable as ADDITIONAL SERVICES.

Unconditional Payment Payment to RACE is expressly not conditioned upon the Client receiving any payment from third parties who are not a party to this contract, such as property owners, developers, funding agencies.

Opinion of Probable Costs Since RACE has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, RACE's opinions of probable project cost and construction cost provided for herein, where so stipulated in this agreement, are to be made on the basis of RACE's best judgement as an experienced and qualified professional engineer, familiar with the construction industry. RACE cannot and does not guarantee that proposals, bids or actual project or construction cost will not vary from opinions of probable cost prepared by RACE.

Ownership of Documents All documents produced by RACE under this Agreement, such as drawings, specifications, and computer files, shall remain the property of RACE and may not be altered or used by the Client for any other endeavor without the written consent of RACE.

Concealed Conditions It is understood by the parties to this Agreement that the evaluation, reconstruction or

rehabilitation of an existing structure requires that certain assumptions be made regarding existing conditions which are concealed or otherwise not visible. Some of these assumptions may not be verifiable without significant cost or destroying otherwise adequate and serviceable portions of the structure. Where it is impractical to verify assumptions concerning hidden conditions, RACE assumes no responsibility for any additional costs or liabilities associated with existing conditions which deviate from that assumed.

Existing Conditions Information on the existing structures have been obtained from existing drawings, preliminary site visits, and other documents. This proposal is based upon the assumption that the construction of the existing structures was done in strict accordance with these drawings or with common construction standards and that the existing structural elements are, unless noted herein, in sound condition and are fully permitted with all required regulatory agencies. No attempt has been made to verify the integrity of the existing structures other than what will be explicitly shown on our drawings, and we assume no responsibility for its condition if it should turn out not to be adequate. It shall be the responsibility of the contractor for the construction of the new structure to report to RACE immediately any discrepancies and any evidence of impairment of structural strength found during the course of construction.

Client Provided Information RACE shall be entitled to generally rely on the accuracy and completeness of information and documents furnished by Client and by other consultants such as surveys, soil boring logs, geotechnical reports, and working drawings of existing structures. Any substantial inaccuracies in the quality or completeness of information provided which requires a substantial effort to change or correct our work which is based on Client provided information shall constitute a change in the Scope of Services and be subject to the provisions which pertain to Additional Services.

Jobsite Safety Neither the professional activities of RACE, nor the presence of RACE or his subconsultants at a construction site, shall relieve the General Contractor and any other entity of their obligations, duties, and responsibilities including, but not limited to, construction means, methods, sequences, techniques, or procedures necessary for performing, superintending, or coordinating all portions of the work of construction in accordance with the contract documents and any health or safety precautions required by any regulatory agencies.

Time Period for Accepting Contract This proposal is valid for a period of 30 days, after which the Consultant reserves the right to review and revise the estimated fee, time schedule, and other terms specified herein.

Alternate Dispute Resolution All claims, counterclaims, disputes and other matters in question between the parties hereto arising out of or relating to this Agreement or breach thereof (except claims by ROBERGE ASSOCIATES COASTAL ENGINEERS, LLC or its associates for fees and costs for professional services) will be presented to non-binding mediation, subject to the parties agreeing to a mediator(s).

Contract Signatures The individual executing this contract, if acting on behalf of a partnership, corporation, or funding agency, represents that he has the authority to do so.

Discovery of Unanticipated Hazardous Materials Hazardous materials or certain types of hazardous materials may exist where there is no reason to believe they could or should be present. RACE and the Client agree that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the scope of work. The Client and RACE also agree that the discovery of unanticipated hazardous materials may make it necessary for RACE to take immediate measures to protect human health and safety, and/or the environment. RACE agrees to notify the Client as soon as practically possible should unanticipated hazardous materials or suspected hazardous materials be encountered. The Client encourages RACE to take any and all measures that in RACE's professional opinion are justified to preserve and protect the health and safety of the Engineer's personnel and the public, and/or the environment, and the Client agrees to compensate RACE for the additional cost of such work. In addition, the Client waives any claims against RACE and agrees to indemnify for injury or loss arising from RACE's encountering unanticipated hazardous materials or suspected hazardous materials. The Client also agrees to compensate RACE for any time spent and any expenses incurred by RACE in defense of any such claim, with such compensation to be based upon RACE's prevailing fee schedule and expense reimbursement policy.

Indemnification The Client agrees to hold harmless and indemnify RACE for and against all claims, damages, awards and costs of defense arising out of delays in or failures of the Engineer's performance resulting from events beyond the control of the Engineer. The Client agrees to stipulate within the contract documents between the

Contractor and the Client, that the Contractor or Client shall purchase and maintain, during the course of construction, “all-risk” builder’s risk insurance in a reasonable amount of coverage which names the Engineer, the Contractor, the Client, and the Client’s agents as additional insureds.

Delivery of Electronic Files In accepting and utilizing any drawings, reports and data on any form of electronic media generated and furnished by RACE, the Client agrees that all such electronic files are instruments of service of RACE, who shall be deemed the author, and shall retain all common law, statutory law and other rights, including copyrights. The Client agrees not to reuse these electronic files, in whole or in part, for any purpose other than for the Project. The Client agrees not to transfer these electronic files to others without the prior written consent of RACE. The Client further agrees to waive all claims against RACE resulting in any way from any unauthorized changes to or reuse of the electronic files for any other project by anyone other than RACE. The Client and RACE shall agree upon the format for any electronic files furnished by either party prior to the initiation of work. Any changes to the electronic specifications by either the Client or RACE are subject to review and acceptance by the other party. Additional services by RACE made necessary by changes to the electronic file specifications shall be compensated for as Additional Services. Electronic files furnished by either party shall be subject to an acceptance period of thirty (30) days during which the receiving party agrees to perform appropriate acceptance tests. The party furnishing the electronic file shall correct any discrepancies or errors detected and reported within the acceptance period. After the acceptance period, the electronic files shall be deemed to be accepted and neither party shall have any obligation to correct errors or maintain electronic files.

The Client is aware that differences may exist between the electronic files delivered and the printed hard-copy construction documents. In the event of a conflict between the signed construction documents prepared by RACE and electronic files, the signed or sealed hard-copy construction documents shall govern. In addition, the Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless RACE, its officers, directors, employees and subconsultants against all damages, liabilities or costs, including reasonable attorneys’ fees and defense costs, arising from any changes made by anyone other than RACE or his designate from any reuse of the electronic files without the prior written consent of RACE. Under no circumstances shall delivery of electronic files for use by the Client be deemed a sale by RACE, and RACE makes no warranties, either express or implied, of merchantability and fitness for any particular purpose. In no event shall RACE be liable for indirect or consequential damages as a result of the Client’s use or reuse of the electronic files, unless those damages are a result of an error or omission which are shown on both the hard-copy documents and the electronic files.

Termination

- (1) This Agreement between the Client and RACE may be terminated by either party and shall be deemed effective upon receipt of seven (7) days prior written notice.
- (2) If this Agreement is terminated during the course of performance of the work, RACE shall be paid within seven (7) days of such termination the reasonable value of the services performed during the period prior to the effective date of termination.
- (3) If, prior to termination of this Agreement, any work by RACE during any phase of the work is suspended in whole or in part for more than three (3) months or abandoned after written notice from the Client, RACE shall be paid for such services performed prior to receipt of such notice.

We are prepared to undertake this project upon receipt of your written authorization to proceed. Please sign this proposal and return one fully executed copy to this office. We recommend that you retain a copy for your records. If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

ROBERGE ASSOCIATES COASTAL ENGINEERS, LLC



Devin J. Santa, P.E., ACSM Certified Hydrographer
President

Agreed to and accepted this _____ day of _____, 2015

AUTHORIZED BY: _____
Town of Westport, authorized signatory

Reference: P201502



**WESTPORT CONNECTICUT
BOARD OF FINANCE**

DRAFT MINUTES JUNE 3rd, 2015

The Board of Finance held its Public Hearing on **Wednesday, June 3, 2015 at 8:00 p.m.** in the Auditorium of Town Hall. The following items were considered:

ATTENDEES: Stern, Pincavage, Collins, Rea, Tooker, Lasersohn, and Caney

DISCUSSION/REVIEW

1. Financial Report from the Finance Director. No action taken
2. Status Update from the Internal Auditor. No action taken

DISCUSSION

3. Discussion of the Selectman's and Board of Education's Five-Year Capital Forecasts. No action taken.
4. Discuss the future of Town-owned residential properties. No action taken.

APPROVAL OF MINUTES

5. Approve the Board of Finance Minutes of the May 20, 2015 regular meeting. Proposed by Lasersohn, seconded by Caney. Unanimously approved.
6. A request by the Finance Director to authorize the issuance of refunding bonds in an amount not in excess of Ten Million Dollars (\$10,000,000) to be issued in calendar year 2016 for the purpose of refunding all or any portion of the general obligations bonds issued by the Town in year 2009. Proposed by Stern, seconded by Lasersohn, unanimously approved.

TRANSFERS IN THE 2014-2015 BUDGET

7. The Board will consider a request by Wakeman Town Farm for a transfer of \$2,334 from Building Maintenance Account #21508850-531803 to be allocated over several expense accounts to cover operating expenses. Proposed by Collins, and seconded by Caney, unanimously approved.

APPROPRIATIONS IN THE 2014-2015 BUDGET

8. The Board will consider a request by Wakeman Town Farm for an appropriation of \$19,400 from their fund balance 21500000-300900 to be allocated over several expense accounts to cover operating expenses. Proposed by Collins, seconded by Rea, unanimously approved.

9. A request by the First Selectman for \$1,600,000 bond and note authorization for the Capital and Non-Recurring Fund Account #31503310-500279 for the purchase of ten (10) medium duty dump trucks with plows. Proposed by Stern, seconded by Lasersohn, unanimously approved.
10. A request for an additional agenda item for the purpose of the election of a new Chairperson was proposed by Stern and seconded by Lasersohn, and was unanimously approved.

ELECTION OF WESTPORT BOF CHAIRPERSON

Jennifer Tooker was proposed by Pincavage for the position of Westport BOF Chairperson. Rea seconded her nomination. The board approved the election of Tooker unanimously. Pincavage was thanked for his service, and Tooker congratulated.

Tooker then assumed the position of Chairperson.

Meeting adjourned at 10.20 pm.