1. BET Law Comm. Meeting Documents

Documents:

BET_LAW_AGENDA_02-23-18.PDF
SUB_TO_APP_BET_LAW_COMM_SPECIAL_MTG_MINUTES_02-23-18.PDF
APPROVED_BET_LAW_COMM_MINUTES_02-23-18.PDF
BET LAW COMMITTEE

Special Meeting

Friday, February 23, 2018

8:00 A.M.

Law Department Conference Room

AGENDA

1. Review and Approval of Budget Resolutions

2. New Business
TOWN OF GREENWICH
BOARD OF ESTIMATE AND TAXATION
LAW COMMITTEE SPECIAL MEETING
MINUTES

Friday, February 23, 2018
Law Department Conference Room

Committee: Elizabeth K. Krumeich, Chair; Karen Fassuliotis

Law: John Wayne Fox, Town Attorney; Aamina Ahmad, Assistant Town Attorney; Eugene McLaughlin, Assistant Town Attorney

Other: Patricia Burns, Chairman, Commission on Aging; Lori Contadino, Director, Commission on Aging; James Dougherty, Secretary, Commission on Aging; Laurette Helmrich, Administrator, Senior Center; Dr. Jill Gilda, Superintendent of Schools; Bill McCormick II, Business Service Manager, DPW.

BET: Jill Oberlander, Chair; Jeffrey Ramer

The meeting was called to order at 8:04 A.M.

1. Review and Approval of Budget Resolutions

Commission on Aging Resolution - The Committee first considered a request by the Commission on Aging to include a resolution to enable the Town to accept a gift from the Friends of the Senior Center to offset renovations that are being done or planned at the Senior Center. Karen Fassuliotis circulated a proposed Resolution based on input received from Lori Contadino by e-mail the previous evening for review. Patricia Burns was asked whether the gift was to reduce the Town contribution to the renovation or to finance “add ons” to the plan. Ms. Burns explained that when the renovations were planned it was agreed that the costs would be split between the Town and the Friends of the Senior Center in a ratio of 55% Town/45% Friends. They have raised $700,000 (cash in hand) of a planned $1.2 million. Of the remaining $500,000, they anticipate that they will be receiving $200,000 in the next few weeks. All of the funds received by the Friends of the Senior Center have been unrestricted. The group plans to gift $400,000 to cover the construction costs for this year. They worked through the budget with Al Monelli, Superintendent of Public Works, Building Construction and Maintenance, and feel the $400,000 will be the appropriate amount. The resolution would enable the group to gift the monies to the appropriate Town account for this project. Jill Oberlander asked whether there were any plans for naming rights and it was requested that if they did plan for that in the future they should check with Town officials to see if they were authorized to commit the Town to that plan. The Committee was told that there were no plans at this time to do so and they certainly would clear any such plan with the appropriate Town officials. The Committee deferred vote on the proposed resolution until a subsequent meeting.

Public Works Resolution (Resolution #36 in the 1-20-18 version of the Budget) - Bill McCormick of DPW explained that they were taking a page from the Parks and Recreation Department on how they handled rents. He explained that those individuals requesting a special event permit must have inspections, typically for electric, heating or cooling, so that
they could obtain the necessary permits. For Special Events held on the weekends the inspectors typically will inspect on the weekend. Their collective bargaining agreement specifies that for weekend inspections they are guaranteed a minimum of 3 hours of overtime. DPW had 172 special inspections last year and they are seeking to recoup some of the costs from the entity holding the event to offset the cost of the overtime. Jill Oberlander stated that fees are set by the Board of Selectmen and questioned whether there was the need for a resolution by the BET. The issue is whether this could be accounted for by adding the cost directly to the permitting fees, rather than having a resolution, since what they wish to do is to offset the overtime costs. The Committee deferred a vote on the resolution pending clarification of the points raised by Ms. Oberlander.

**Education Resolution (Resolution #42)** - The Committee received proposed changes to the Education Resolution from the Board of Education. Dr. Gildea explained the rationale behind the proposed changes to the resolution, which includes increasing the ability to accept grants up to $25,000 (from $5,000). The Committee will be reviewing these changes and it was suggested that the resolution include a semi-annual report for grants received similar to that which the Board of Education did for MISA. Dr. Gildea responded that there is a monthly report that provides this information which could be shared with the BET. The Committee will review the proposed changes and deferred voting on the resolution.

**Indemnification Resolution** - Attorney McLaughlin gave the Committee background on a proposal of an indemnification resolution. The Law Department has been trying to resolve an easement with a sewer line that goes over State property. The State is insisting on indemnification and insurance from the Town as part of the easement. There is a Municipal Master Agreement (MMA) that is used for grants coming to the Town from the State. The MMA requires indemnification by the Town of the State and dollar one coverage of insurance to cover the State. The Town has a $1.5 million in self-insured retention, which means the Town must cover the first $1.5 million of any claim. Because the Town has not agreed to the indemnification or the insurance terms of the MMA, there are major projects queued up with DPW that are on hold. The Law Department worked out an agreement with the State that addressed the Town’s concerns for one project, but the State did not accept that template for work on other projects. Attorney McLaughlin advised that State Senator Scott Frantz has met with the State DPW Commissioner to try to resolve the issue. However, the State has now issued a draft of the sewage encroachment permit that conditions the permit on the Town changing Town Ordinances and the Charter to allow for blanket coverage of the State by the Town. The draft permit also requires the Town to give a monthly progress report to the State of the changes to the ordinances and the Charter. Attorney McLaughlin is attempting to avoid the requirement by proposing the resolution that is before the Committee. Jill Oberlander questioned who is driving the requirement – the State DPW Commissioner or the State DPW Attorney? Attorney McLaughlin responded that it appears that it is coming from the Commissioner. Ms. Oberlander stated that she would like to speak directly with the State DPW Attorney and requested that Attorney McLaughlin arrange a call. Ms. Oberlander also requested that a copy of the Easement and the Right of Way Agreement be forwarded to her and the Committee. The Committee deferred a vote on this item.

**2. New Business**
The Committee did not consider any new business.

**Adjournment**
The meeting was adjourned at 9:34 A.M.

Karen Fassuliotis, Recording Secretary

Elizabeth K. Krumreich, BET Law Committee Chair

SUBJECT TO APPROVAL
TOWN OF GREENWICH  
BOARD OF ESTIMATE AND TAXATION  
LAW COMMITTEE SPECIAL MEETING  
MINUTES  
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**Adjournment**
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Karen Fassuliotis, Recording Secretary

Elizabeth K. Krumeich, BET Law Committee Chair