

1. BET Meeting Documents

Documents:

[BET_MEETING_AGENDA_07-19-04.PDF](#)
[BET_MEETING_MINUTES_07-19-04.PDF](#)



**REGULAR MONTHLY MEETING OF THE
BOARD OF ESTIMATE AND TAXATION
MONDAY, JULY 19, 2004, 7:00 PM
TOWN HALL MEETING ROOM
AGENDA**

- Votes**
1. Call to Order and Pledge of Allegiance
 2. Consideration of Applications:

ROUTINE APPLICATIONS

<u>Number</u>	<u>Department</u>	<u>Amount</u>	<u>Purpose and Committee</u>	
A-1	First Selectman/ Community Development Q197-59900-17004	<u>\$200,000</u>	Transfer Pathways, Inc increase of development of group home SIMON, GARDNER, RUTGERS	11-0-0
A-2	First Selectman Community Development Q197-59900-24213 Q197-59900-24207	<u>\$5,000</u> \$2,500 \$2,500	Transfer YWCA-Domestic Abuse Services Program Greenwich School Age Child Care Program SIMON, GARDNER, RUTGERS	11-0-0
SE-1	First Selectman P-935-57350	<u>\$15,000</u>	Additional Appropriation Settlement Failla v. TOG SIMON, GARDNER	11-0-0

REGULAR APPLICATIONS

FL-1	BET – Administration A-902-57300 A-902-57330 A-902-57350	<u>\$436,000</u> \$257,000 \$89,000 \$90,000	Transfer Workers Comp-Host Med Unemployment To cover shortfalls in medical workers comp & unemployment claims	11-0-0
PW-1	Public Works Z-301-59800	<u>\$350,000</u>	Additional Appropriation Land Acquisition – 1327 King Street KRUMEICH, WALKO	11-0-0
	Resolution		Appropriating funds and authorizing Borrowing for acquisition of King Street Property - \$1,325,000	11-0-0

3. Human Resources Committee Actions & Report:
- Board of Education:** Request to convert a part-time Communications Specialist position post- no
action
currently earning \$44,000 yearly to a full-time managerial position of Director of Communi-
cations (MC category of positions). Proposed full-time salary range is \$70,000 to \$75,000.
Effective date requested is 7/1/04.
- Discussion of Town Attorney opinion on BET Authority to Impose Conditions on Appropriations
- Finance Department:** Request to reclassify a filled position of Account Clerk level II, Salary 11-0-0
grade E, \$31,493 - \$43,491 to an Account Clerk IV, Salary grade C, \$38,588 - \$53,288.
The current employee is earning \$47,598 and if approved will earn \$49,506.
(GMEA represented) This action is to be effective 7/1/04.
- Request to reclassify a vacant position of Account Clerk II, Salary grade E, 11-0-0
\$31,493 - \$43,491 to Administrative Staff Assistant III, Salary grade E,
\$31,493 - \$43,491. (Both positions are GMEA represented) This action is to be effective 7/1/04.
4. Assessor's Report 11-0-0
5. BET Committee & Liaison Reports
6. Chief Financial Officer/Comptroller's Report 11-0-0
7. Acceptance of Treasurer's Report showing investment portfolio activity for the periods of 11-0-0
June 1, 2004 through June 30, 2004
8. Approval of BET minutes for: BET Regular Meeting – 6/21/04 10-0-1
9. Officer's Report
10. **OLD BUSINESS**
- Executive Session: Discussion of a Personnel Matter pertaining to Appointment of a Comptroller

- Approval of Policy and Procedure Committee Changes to Board Member Handbook
11-0-0
11. **NEW BUSINESS**
12. Adjournment

Peter J. Tesei, Chairman



BOARD OF ESTIMATE AND TAXATION

MINUTES of the regular meeting of the Board of Estimate and Taxation held on Monday, July 19, 2004 in the Town Hall Meeting Room, Greenwich, CT.

The Chairman, Peter J. Tesei, called the meeting to order at 7:06 PM, after which the members pledged allegiance to the flag.

Board members in attendance:

Peter J. Tesei, Chairman
Robert S. Stone, Vice-Chairman
Alma Rutgers, Clerk
Peter E. Berg
Jara N. Burnett
Janice C. Gardner
Edward Krumeich
Michael Mason
Laurence B. Simon
Valeria P. Storms
Stephen G. Walko

Absent: Kathryn Guimard

Staff: Edward Gomeau, Roland Gieger, Finance Department; Ted Gwartney, Robert Shipman, Assessor's Office; Maureen Kast, Mary Jo Iannuccilli, Human Resources Department; Dr. Leverett, Dr. Curcio, Board of Education; John Wetmore, Fernando de Arango, Law Department; Chief Warzoha, Fire Department; Nancy Brown, Community Development; Kelly Houston, Affirmative Action Officer

Other: James A. Lash, First Selectman; Peter Crumbine, Selectman; Joan Caldwell, C. Hooker O'Malley, RTM District 10; Ginny Gwynn, Sandy Waters, Board of Education

ROUTINE APPLICATIONS:

A-1 FIRST SELECTMAN – COMMUNITY DEVELOPMENT - Transfer- \$200,000

Request to transfer:

\$200,000	to	Q197-1997-59900-17004	Pathways
\$ 93,638	from	Q197-2003-59900-23165	Contingency
\$106,362	from	Q197-2004-59900-24222	Contingency

A-2 FIRST SELECTMAN – COMMUNITY DEVELOPMENT – Transfer - \$5,000

Request to transfer:

\$2,500	to	Q197-59900-24213	YWCA/DAS
\$2,500	to	Q197-59900-24207	GSACC
\$5,000	from	Q197-59900-24201	Community Centers, Inc.

SE-1 FIRST SELECTMAN – Additional Appropriation - \$15,000

Request additional appropriation:

\$15,000	to	P935-57350	Settlement of Claims Faiella v TOG
\$15,000	from		Risk Fund Balance

Upon a motion by Ms. Rutgers, seconded by Ms. Burnett, the Board voted 11-0-0 to approve the routine applications.

REGULAR APPLICATIONS:

FI-1 BET – ADMINISTRATION – Additional Appropriation - \$436,000

Request for additional appropriation:

\$257,000	to	A902-57300	Workers Comp. Hosp. Med.
\$ 89,000	to	A902-57330	Unemployment Insurance
\$ 90,000	to	A902-57350	Settlement of Claims
\$436,000	from	A908-56800	Self-Retention Ins. Claims

Mr. Gieger distributed a breakout of workers compensation claims by department that was requested by the Budget Committee. Mr. Gieger said that we are waiting for additional information from CIRMA.

Upon a motion by Ms. Storms, seconded by Mr. Berg, the Board voted 11-0-0 to approve the request for an additional appropriation of \$436,000 for the BET – Administration.

PW-1 PUBLIC WORKS – Additional Appropriation - \$350,000

Request additional appropriation:

\$350,000 to Z301-59800 Land Acquisition
\$350,000 from Capital Non Recurring Fund Balance

This appropriation request is for the acquisition of land at 1327 King Street at a cost of \$1,275,000. \$300,000 is for the down payment and \$50,000 is for closing/other costs. The balance will be paid over a 10-year period. The periodic principal and interest payments will be appropriated in the annual budgets.

Mr. Tesei noted that Joan Caldwell, Chairman RTM District #10, submitted a written statement in favor of the purchase of the property at 1327 King Street.

Mr. Lash said that the Fire Department came to the BET several years ago concerning a deficiency in response time in northwest Greenwich. This property's location would aid in the reduction of response time for the upper end of King Street. Mr. Lash noted that GEMS would like to utilize the property immediately after closing to house Medic-4. The construction of a firehouse for this location is at least 2-3 years away.

Upon a motion by Ms. Storms, seconded by Mr. Berg, the Board voted 11-0-0 to approve the request for an additional appropriation of \$350,000 for Public Works to purchase the property at 1327 King Street.

RESOLUTION:

Upon a motion by Mr. Krumeich, seconded by Ms. Storms, the Board voted 11-0-0 to approve a resolution to appropriate funds and authorize borrowing for the acquisition of 1327 King Street with an appropriation of \$1,325,000. (See attached resolution.)

HUMAN RESOURCES COMMITTEE ACTIONS & REPORTS:

Board of Education

Request to convert a part-time Communications Specialist position currently earning \$44,000 yearly to a full-time managerial position of Director of Communications (MC category of positions). The proposed full-time salary range is \$70,000 to \$75,000.

Discussion of Town Attorney opinion on BET Authority to Impose Conditions on Appropriations:

Mr. Tesei said that this item was deferred from last month's agenda because questions were raised regarding BET authority to impose a condition on a BOE appropriation that mandates

that the BOE eliminate .5 position to offset the Communications Director position from part-time to full-time. Mr. Wetmore was asked by the BET Law Committee to render an opinion, which he has done in a memo dated July 16, 2004. Mr. Tesei asked Mr. Wetmore to address the Board.

Mr. Wetmore stated that the BET may properly impose conditions on appropriations, provided the condition is legally valid. However, the BET has no authority over the creation and/or elimination of positions (except within the Finance Department); rather, that authority rests solely with the appointing authority, in this case the BOE. Mr. Wetmore also stated that the condition requiring elimination of a BOE position would potentially interfere with the state-mandated duty of the BOE to provide public education for the Town of Greenwich. Mr. Wetmore said that the BET has the authority to not allocate funds and that the BET's fundamental control is on the appropriations side, not appointment to positions.

Mr. Wetmore further added that the BET does not have authority to appoint and remove personnel. The BET did not create the Town's Pay Plan; the appointing authorities signed off on it.

Mr. Krumeich stated his opinion that the charter provisions from which Mr. Wetmore derives his argument refer to the role of appointing authorities in making appointments to positions, not the creation or elimination of these positions. Mr. Krumeich said that, in his opinion, the creation of a position and the decision to appoint someone to a position are two different things. He said that the creation and deletion of a position is a decision with financial impact and thus falls within the purview of the BET under the Charter. He said that the issue needs to be further addressed and recommended continued discussions between the Law Committee and the Law Department.

Mr. Walko said that he approached this question from a pragmatic standpoint, asking how to go forward from here. At a time when the BET has asked the First Selectman to eliminate, through attrition, 15 positions, it appears inconsistent for the BOE to add a position to the TOO. The implications of the opinion rendered by the Law Department are that it strips away the trust between the BET and the appointing authorities regarding personnel at budget time with further implications for the fixed cost financial obligations such as health insurance, payout for accruals at the time of termination of employment, pension, and workers compensation. Shifting responsibility for fixed costs to the appointing authorities and not receiving prior approval from the BET regarding changes in personnel, however, is not the best way for the Town to manage affairs.

Mr. Mason inquired as to whether an appointing authority can make a future financial commitment for the town, e.g., via a list of personnel submitted with the budget. He asked if we can define head count through a budget resolution. Mr. Wetmore did not have a response.

Mr. Tesei said that the appointing authorities can create the positions but that the BET does not have to fund them.

Mr. Krumeich said that the BET shares appropriating authority with the RTM, and that the appropriating authority is where we must look for the financial controls. Therefore, the implications are that we may have to change our budget process to budget for positions, so that these appropriations would go to the RTM position by position.

Mr. Tesei added that if positions are created using unencumbered funds, then the next budget cycle is when the BET can establish the financial controls on that position.

Mr. Wetmore said that his opinion for this position of Communications Director was based on the position being classified as a certified instructional position of the BOE. Ms. Storms informed Mr. Wetmore that the Director of Communications position was non-instructional. Mr. Wetmore was asked to clarify his opinion based on the non-instructional status of the position.

Mr. Tesei invited Dr. Leverett to comment on the issue. Dr. Leverett said that the BOE's thinking runs counter to the BET in this matter. The BOE believes that, according to state statutes, it has the sole authority to appoint personnel. Dr. Leverett saw a significant chasm between the BET perspective and the BOE with regard to such authority. He saw a situation where important matters of authority are blurred. He said that the BOE wants to look at these areas with the BET and that there is a need to build trust between the BET and the BOE so that this situation does not reoccur.

The Board decided by consensus to take no action on this item, with the understanding that by the BET taking no action based on the opinion by the Law Department, the BOE may allow the part-time Communications Specialist position to turn into a full-time Director of Communications position.

Finance Department

Mr. Stone noted that both reclassifications were unanimously approved by the HR Committee.

Account Clerk IV

Request to reclassify a filled position of Account Clerk II, salary grade E, salary range \$31,493 - \$43,491 to an Account Clerk IV, salary grade C, salary range \$38,588 - \$53,288. The current employee is earning \$47,598 and if approved, will earn \$49,506. This position is GMEA represented. This action is to be effective July 1, 2004.

Upon a motion by Mr. Stone, seconded by Mr. Mason, the Board voted 11-0-0 to approve the reclassification of Account Clerk II to Account Clerk IV effective July 1, 2004.

Administrative Staff Assistant III

Request to reclassify a vacant position of Account Clerk II, salary grade E, \$31,493 - \$43,491 to Administrative Staff Assistant III, salary grade E, \$31,493 - \$43,491. Both positions are GMEA represented. This action is to be effective July 1, 2004.

Upon a motion by Mr. Stone, seconded by Ms. Gardner, the Board voted 11-0-0 to approve the reclassification of Account Clerk II to Administrative Staff Assistant III effective July 1, 2004.

ASSESSOR'S REPORT:

Mr. Gwartney, Assessor, highlighted for the Board his monthly Assessor's Report.

Mr. Gwartney noted that testing of the ProVal Plus (version 7.6) has been satisfactorily concluded and will be implemented on August 2, 2004.

Mr. Gwartney said that the July tax bills have been issued and have generated numerous public inquiries (ownership clarification, address changes, assessments, with many inquiries relating to personal property).

Mr. Tesei requested that Mr. Gwartney further clarify the Conyers Farm item in his written report: the listing of the Palgrove Farm property for \$53 million as reviewed for sale of property under Public Act 490. Mr. Gwartney responded that five properties involved had farm classifications as different parcels at different times, and their tax status is being reviewed to determine what parts of the property acquired by Palgrove Investments were farm at what points in time. Some may be required to pay taxes back to the Town.

Mr. Walko requested a timeline chart for the 2005 revaluation in order to ensure deadlines are met. Mr. Gwartney said that the creation of such a chart was one of his goals.

Upon a motion by Ms. Gardner, seconded by Mr. Simon, the Board voted 11-0-0 to accept the Assessor's Report as submitted.

BET COMMITTEE AND LIAISON REPORTS:

Policy and Procedure Committee

Mr. Tesei noted that a report from the Policy and Procedure Committee was received and will be discussed under old business.

Health and Human Services

Ms. Gardner reported that she and Ms. Rutgers met with Pat Geismar, interim co-chair of the Board of Social Services, and developed a plan to meet the Budget Committee's goals. She noted that significant progress was made.

Audit Committee

Mr. Stone noted that internal audits on the Eastern Greenwich Civic Center and the Senior Center were reviewed. Changes are being made to the rental contract for the EGCC to include a waiver of insurance by the Risk Manager (with Legal Department approval).

Mr. Stone noted that Dr. Curcio, HR Director for the BOE, contacted the booster clubs at the Greenwich High School regarding insurance coverage for compensated volunteers. He advised them of the options available and that the best solution seems to be for the support groups to funnel money through the Town. The BOE and booster clubs are working on this with the Comptroller.

COMPTROLLER’S REPORT:

Mr. Gomeau noted that corrections by Mr. Simon have been made to the Treasurer’s Report.

Mr. Gomeau noted that the RFP for the Risk Management Study is now in the First Selectman’s office for input from the Law Department and the First Selectman. The contract should be awarded by the end of the month.

Mr. Gomeau said that he, the First Selectman, Bob Kalm and Amy Siebert met with North Mianus residents regarding the North Mianus sewer system. He will be reviewing the project to determine if a construction audit should be done prior to certification of the project cost.

Upon a motion by Ms. Burnett, seconded by Ms. Storms, the Board voted 11-0-0 to accept the Comptroller’s Report as submitted.

TREASURER’S REPORT:

Mr. Gomeau noted a change to the 3rd page to “UST cost change to \$7.4 million”. This change was reflected in the report that was distributed at the meeting.

Upon a motion by Mr. Simon, seconded by Ms. Burnett, the Board voted 11-0-0 to accept the Treasurer’s Report as submitted.

APPROVAL OF MINUTES:

Upon a motion by Mr. Simon, seconded by Mr. Walko, the Board voted 10-0-1 to approve the minutes of the regular meeting of the Board of Estimate and Taxation of June 21, 2004 as submitted. Ms. Storms abstained, because she was not present at the meeting.

OFFICER'S REPORT:

Mr. Tesei noted that he received a letter from Jeanne Farrell, the former Commissioner of Social Services, and has forwarded a copy to each member of the Board.

Mr. Tesei commented that the Pay Plan Committee met and progress was made. They are expecting answers to some legal questions by the September 23, 2004 meeting.

Mr. Tesei called for a two-minute recess before entering into executive session.

OLD BUSINESS:

EXECUTIVE SESSION:

Upon a motion by Mr. Walko, seconded by Mr. Simon, the Board voted 11-0-0 to enter into executive session at 8:59 PM to discuss a personnel matter.

In attendance were:

Mssrs. Berg, Krumeich, Mason, Simon, Stone, Tesei, and Walko: Board of Estimate and Taxation

Mmes. Burnett, Gardner, Rutgers and Storms: Board of Estimate and Taxation

Mary Jo Iannuccilli: Human Resources Department

James A. Lash: First Selectman

Upon a motion by Mr. Simon, seconded by Mr. Walko, the Board voted 11-0-0 to conclude the executive session and resume the regular meeting at 9:38 PM.

Mr. Tesei temporarily excused himself from the meeting to place a phone call to the prospective candidate and turned the gavel over to the Board's Vice Chairman, Robert S. Stone.

APPROVAL OF POLICY AND PROCEDURE COMMITTEE CHANGES TO BOARD MEMBER HANDBOOK:

Ms. Gardner presented the BET Handbook as revised by the Policy and Procedure Committee.

The following changes to the handbook were recommended. Ms. Gardner noted a change in the start time of the meetings to 7:00 PM.

The Board unanimously agreed to replace the word "Chief Financial Officer" with "Comptroller" throughout the document for consistency.

Upon a motion by Mr. Simon, seconded by Ms. Storms, the Board voted 10-0-0 to move the Assessor's Report before the BET Committee/Liaison Report in the meeting format.

Ms. Gardner made a motion to include on page 28 “and action” after the BET committee/liaison report. After further discussion, the motion was withdrawn.

Mr. Tesei rejoined the meeting at 9:48 PM.

Upon a motion by Ms. Gardner, seconded by Ms. Burnett, the Board voted 11-0-0 to approve the BET Handbook – Draft 7/9/04 pending the above listed changes.

EXECUTIVE SESSION:

Upon a motion by Mr. Berg, seconded by Ms. Burnett, the Board voted 11-0-0 to enter into executive session at 9:56 PM to discuss a personnel matter.

In attendance were:

Mssrs. Berg, Krumeich, Mason, Simon, Stone, Tesei, and Walko: Board of Estimate and Taxation

Mmes. Burnett, Gardner, Rutgers and Storms: Board of Estimate and Taxation

Mary Jo Iannuccilli: Human Resources Department

Upon a motion by Mr. Stone, seconded by Mr. Simon, the Board voted 11-0-0 to conclude the executive session at 10:02 PM.

Upon a motion by Ms. Burnett, seconded by Ms. Gardner, the Board voted 11-0-0 to adjourn at 10:03 PM.

Respectfully submitted,

Jennifer Sargeant, Recording Secretary

Peter J. Tesei, Chairman

Alma Rutgers, Clerk of the Board