

1. BET Law Comm. Meeting Agenda 10-12-2022

Documents:

[BET LAW COMM MEETING AGENDA 10-12-2022.PDF](#)

2. BET Law Comm. Meeting Packet 10-12-2022

Documents:

[BET LAW COMM MEETING PACKET 10-12-2022.PDF](#)

3. SUB_TO_APP_BET Law Comm. Meeting Minutes_10-12-2022

Documents:

[SUB_TO_APP_BET LAW COMM MEETING MINUTES_10-12-2022.PDF](#)

4. APPROVED_BET Law Comm. Meeting Minutes_10-12-2022

Documents:

[APPROVED_BET LAW COMM MEETING MINUTES_10-12-2022.PDF](#)



**BET LAW COMMITTEE
REGULAR MEETING**

**Wednesday, October 12, 2022 - 3:00 P.M.
Mazza Conference Room**

AGENDA

1. Approval of Minutes:
 - September 13, 2022 Regular Meeting
2. Old Business
 - COVID19 Update
 - Year to Date Law Department Budget Update
 - Law Department Staffing Update
3. Recent Court Filings
4. Update on State of Connecticut Department of Economic and Community Development Grant – Senior Center
5. Fire Department Foam Incident at McDonalds (portions may be discussed in Executive Session by Law Committee, if appropriate)
6. TNW Draft Collection Policy
7. Executive Session to be held Jointly with the BET Budget Committee at 4 PM in the Town Hall Meeting Room, Town Hall
 - Discussion of Legal Strategy for pending litigation for the following matters:
 - *Perrone v. Town of Greenwich*
 - *Palosz v. Town of Greenwich, et al.*
8. Resume meeting in Mazza Room following Executive Session to Consider Recommendations Made in Executive Session
9. Adjournment

The next meeting of the BET Law Committee is scheduled for November 9, 2022 at 3 PM and will be either a virtual meeting, hybrid meeting, or in-person meeting, depending on the status of COVID restrictions.

The Town complies with all applicable federal and state laws regarding non-discrimination, equal opportunity, affirmative action, and providing reasonable accommodations for persons with disabilities. If you require an accommodation to participate, please contact the Commissioner of Human Services at 203-622-3800 or demetria.nelson@greenwichct.org as soon as possible in advance of the event.



**BET LAW COMMITTEE
REGULAR MEETING**

**Wednesday, October 12, 2022 - 3:00 P.M.
Mazza Conference Room**

AGENDA

1. Approval of Minutes:
 - September 13, 2022 Regular Meeting
2. Old Business
 - COVID19 Update
 - Year to Date Law Department Budget Update
 - Law Department Staffing Update
3. Recent Court Filings
4. Update on State of Connecticut Department of Economic and Community Development Grant – Senior Center
5. Fire Department Foam Incident at McDonalds (portions may be discussed in Executive Session by Law Committee, if appropriate)
6. TNW Draft Collection Policy
7. Executive Session to be held Jointly with the BET Budget Committee at 4 PM in the Town Hall Meeting Room, Town Hall
 - Discussion of Legal Strategy for pending litigation for the following matters:
 - *Perrone v. Town of Greenwich*
 - *Palosz v. Town of Greenwich, et al.*
8. Resume meeting in Mazza Room following Executive Session to Consider Recommendations Made in Executive Session
9. Adjournment

The next meeting of the BET Law Committee is scheduled for November 9, 2022 at 3 PM and will be either a virtual meeting, hybrid meeting, or in-person meeting, depending on the status of COVID restrictions.

The Town complies with all applicable federal and state laws regarding non-discrimination, equal opportunity, affirmative action, and providing reasonable accommodations for persons with disabilities. If you require an accommodation to participate, please contact the Commissioner of Human Services at 203-622-3800 or demetria.nelson@greenwichct.org as soon as possible in advance of the event.



**TOWN OF GREENWICH
BOARD OF ESTIMATE AND TAXATION
LAW COMMITTEE
REGULAR MEETING MINUTES
September 13, 2022**

Committee: Karen Fassuliotis, Chair, Stephen Selbst

Town Attorney: Barbara Schellenberg

The Nathaniel Witherell: Larry Simon

Departments: Megan Damato, Risk Manager; Fernando De Arango, Town Attorney

The Chair called the meeting to order at 3.00 P.M.

1. The Nathaniel Witherell – Discussion of Recent Medicare Audit

Mr. Simon advised the Law Committee that in March 2022, the Connecticut Department of Public Health had conducted a five-day on-site visit and identified 16 violations in its report, including some violations that noted conditions that presented potential dangers to patients. As a result of the inspection The Nathaniel Witherell dropped from 3 stars to 1 star by the Centers for Medicare & Medicaid Services (CMS).

In response, The Nathaniel Witherell filed a plan of correction which addressed the deficiencies cited by CMS with the State Department of Public Health. In a letter to TNW management the facility was deemed to be in “substantial compliance” with the in addressing the noted in the deficiencies. Mr. Simon advised the Law Committee that going forward management will be addressing training and other requirements to improve the service to residents at the facility.

The Committee also discussed the insurance requirements required at the facility and generally discussed risk management with Mr. Simon.

2. Approval of Minutes – July 13, 2022 Regular Meeting

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to approve the minutes of the July 13, 2022 regular meeting.

3. Old Business

COVID19 Update. Ms. Schellenberg reported that there were no material changes since her last report.

Year to Date Budget. Ms. Schellenberg reported that the Law Department was under budget as of August 31, 2022.

4. Recent Court Filings

Spillane v. Lamont et al. -- Ms. Schellenberg reported that there was a hearing scheduled on a motion to dismiss scheduled for September 19, 2019.

Masouredis v. Town of Greenwich – Ms. Schellenberg reported that the plaintiff had recently filed a bill of discovery in a case in which a Town employee driving a truck allegedly struck a bicyclist. The driver of the vehicle will be supplied with separate counsel.

Greenhaw v. Town of Greenwich – Ms. Schellenberg reported that she had determined to retain Andrew McPherson to handle this case.

5. Executive Session

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to go into executive session at 3.29 P.M.

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to exit executive session at 3.37 P.M.

6. Settlements

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to approve the settlement of the *USAA v. Lazarus* with a payment by the Town of \$10,427.39

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to approve the settlement of the *Rosen v Town of Greenwich* with a payment by the Town of \$29,706.46.

7. State of Connecticut Department of Economic and Community Development Grant – Senior Center

The Law Committee heard a report on a proposed grant for the Town's Senior Center. Ms. Schellenberg reported, however, that the terms of the proposed grant had several problematic clauses. The grant:

- Required the Town to indemnify the State of Connecticut for any environmental claims arising from use of the Center. TC

- Contained a negative pledge provision that may restrict future use of the building.
- Precluded entering into new leases of the building, which is problematic because the Town already has a tenant at the property and may need to renew the lease.

The Law Department was directed to negotiate with the State of Connecticut to see if these issues could be resolved.

8. Adjournment.

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to adjourn the meeting at 4.05 p.m.

Respectfully submitted,

Stephen Selbst, Recording Secretary

Karen Fassuliotis, Chair, Law Committee

NATHANIEL WITHERELL ACCOUNTS RECEIVABLE POLICY & PROCEDURE

DRAFT
10/6/2022

Introduction

The Nathaniel Witherell Business Office has established policies and procedures to be followed in the management, collection and reporting of accounts receivable.

As used in this Policy and Procedure, "accounts receivable" refers to amounts due from firms, individuals or others which have been billed because of regular business transactions.

Records and General Receivable Procedures

Accurate records are to be maintained on all accounts receivable. The records to be maintained for each customer/resident can include and may not be limited to the complete name and address plus the social security number (when necessary) or other taxpayer identification number.

When appropriate, statements are to be sent at least monthly to all customers/residents. Exceptions can include such payer status as "Medicaid Pending". The statement should indicate the total balance due and identify a payment due date or considered due upon receipt.

Departmental Collection Procedures

It is the responsibility of the Nathaniel Witherell Business Office to collect monies due to Nathaniel Witherell in the most effective and efficient manner. As billing schedules vary, the following procedures should be used as a guideline for amounts due:

Step	Days from Dates of Service	Action
1	30	Send first statement to the resident/responsible party.
2	60	Send second statement to the resident/responsible party.
3	90	As appropriate, a telephone call to the resident/responsible party emphasizing the gravity of the growing debt.
4	120	A correspondence to accompany the invoice advising the resident/responsible party that unless payments due are received within 30 days or a payment plan is agreed upon, it will be necessary to refer the account for collections.

NATHANIEL WITHERELL ACCOUNTS RECEIVABLE POLICY & PROCEDURE

5	150	The Business office will maintain delinquent account records for each account that has been processed through the steps. With no resolution, at this juncture, the Business office will submit the appropriate information to (currently) Wiggins & Dana to explore the viability of collecting on the outstanding debt.
6	180	Upon advice from outside counsel that a debt is uncollectable, the Business office will notify administration for departmental write off request procedures.

Reporting Accounts Receivables

Monthly – The Business Office will complete a monthly accounting and aging of any receivables outstanding at the end of the month. This monthly report is to be maintained in the department and distributed to TNW Administration.

Annual - The Business Office will report total outstanding accounts receivable as of June 30th. A copy of the Accounts Receivable Report is to be submitted to TNW Administration, The BET and the TNW Board by July 15th.

Departmental Write-off Request Procedures

The Business Office will apply for authority to write-off a receivable when the following criteria have been met:

- The Business Office has complied with Departmental Collection Procedures and has determined that the receivable is uncollectible.

The Write Off Request should ultimately be sent to the BET after including the following information:

- A statement signed by the TNW Director of Financial Operations that in his/her opinion the accounts are uncollectible and should be written off.
- A list showing each debtor/responsible party's name and other pertinent information, the dollar amounts due and the basis for determining the account to be uncollectible.
- The total dollar amount to be written off.
- The total number of accounts to be written off.

When the accounts have been approved for write off by the BET, the department will be notified and instructed to delete the accounts from the department's accounts receivable.

NATHANIEL WITHERELL ACCOUNTS RECEIVABLE POLICY & PROCEDURE

These accounts are not to be included on the monthly accounts receivable reports after receiving the notification.

Any amounts received on these accounts are to be remitted to the Town of Greenwich. The Controller's office will dictate the appropriate account to be booked.

Identity Theft Prevention

Sufficient business practices should be implemented to detect and stop identity theft from occurring through service activities. Pursuant to the Federal Trade Commission's Red Flags Rule the following guidelines are offered to assist in the identification of risks associated with establishing account receivables for customers.

"Identity Theft" is a fraud committed or attempted using the identifying information of another person without authority.

A "Red Flag" is a pattern, practice, or specific activity that indicates the possible existence of identity theft.

A "Covered Account" includes all resident accounts with The Nathaniel Witherell

"Identifying information" is any name or number that may be used, alone or in conjunction with any other information, to identify a specific person.

To identify relevant Red Flags, Nathaniel Witherell will consider the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with identity theft. Nathaniel Witherell will consider the following as potential Red Flags in each of the listed categories:

A. Notifications and Warnings from Credit Reporting Agencies

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on an applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant;
4. Receipt of a notice of address discrepancy in response to a credit report request; and
5. Indication from a credit report of activity that is inconsistent with an applicant's usual pattern or activity.

B. Suspicious Documents

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person's photograph or physical description

NATHANIEL WITHERELL ACCOUNTS RECEIVABLE POLICY & PROCEDURE

is not consistent with the person presenting the document;

3. Other document with information that is not consistent with existing resident information

4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

1. Identifying information presented that is inconsistent with other information provided.

2. Identifying information presented that is the same as information shown on other documents that were found to be fraudulent.

3. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address)

4. Social security number presented that is the same as one given by another resident;

5. An address or phone number presented that is the same as that of another person;

6. A person fails to provide complete personal identifying information

7. A person's identifying information is not consistent with the information that is on file

D. Suspicious Account Activity or Unusual Use of Account

1. Change of address for an account followed by a name change request

2. Payments stop on an otherwise consistently up-to-date account;

3. Mail sent to the resident is repeatedly returned as undeliverable;

4. Notice to the facility that a resident is not receiving mail sent by the facility;

5. Notice to the facility that an account has unauthorized activity;

6. Breach in the facility's computer system security; and

7. Unauthorized access to or use of resident account information.

E. Alerts from Others

e.g. Notice to the facility from a resident, identity theft victim, law enforcement or other person that the facility has opened or is maintaining a fraudulent account for a person engaged in identity theft.

In the event facility/Business Office personnel detect any identified Red Flags, one or more of the following steps should be taken depending on the degree of risk posed by the Red Flag:



**TOWN OF GREENWICH
BOARD OF ESTIMATE AND TAXATION
LAW COMMITTEE
REGULAR MEETING MINUTES
October 12, 2022**

Committee: Karen Fassuliotis, Chair, Stephen Selbst
Law Department: Town Attorney Barbara Schellenberg; Assistant Town Attorney Aamina Ahmad
BET: Laura Erickson; Harry Fisher

The Chair called the meeting to order at 3.03 P.M.

1. Approval of Minutes

September 13, 2022 - Regular Meeting. Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to approve the minutes of the September 13, 2022 regular meeting.

2. Old Business

COVID19 Update. Ms. Schellenberg reported that there were no material changes since her last report.

Year to Date Budget. Ms. Schellenberg reported that the Law Department was under budget as of September 30, 2022.

Law Department Staffing. Ms. Schellenberg reported that the Law Department was considering two qualified candidates to fill a vacancy arising from the retirement of Fernando De Arango. Ms. Schellenberg stated that she hoped to be in a position for Human Resources to make a conditional offer during the week of October 17, 2022.

3. Recent Court Filings

Masouredis v. Town of Greenwich – Ms. Schellenberg reported that the plaintiff in this action was involved in an accident in which a Town truck, driven by a

Town employee, allegedly struck him while he was on a bicycle, and had commenced.

Greenwich Communities v Planning and Zoning Commission of the Town of Greenwich – Ms. Schellenberg reported that this action had recently been filed and that the Law Department was reviewing the allegations and potential responses.

4. Fire Department Foam Incident

There was a discussion about a recent incident in which an aqueous film-forming foam containing perfluoroalkyl and polyfluoroalkyl substances, or PFAS, was found to inadvertently contaminate fire tankers while the Greenwich Fire Department was fighting a fire at McDonald's restaurant. It also appears that the foam spilled to the ground causing McDonald's to close for a few days. The foam containing PFAS was banned in Connecticut, having been replaced by so-called "green foam". In the Audit Committee Meeting, the Fire Department indicated that there has been no guidance given by DEEP as to the disposal and that the tankers that were contaminated may be out of service due to the contamination. The Committee requested that the Law Department follow up with the Fire Department with environmental counsel to sort out the environmental issues surrounding this incident.

5. The Nathaniel Witherell Collection Policy

Harry Fisher of the BET Audit Committee presented a report on the collection of accounts receivable at The Nathaniel Witherell. The BET Audit Committee recently discovered that collection of accounts receivable at The Nathaniel Witherell had slowed. As a result, the Audit Committee is working with the staff to develop better policies for collection of those receivables. The Law Committee asked that the Law Department review the receivables policy and procedure that was circulated at the Audit Committee and to work with The Nathaniel Witherell staff in revising the procedure, if appropriate.

6. State of Connecticut Department of Economic and Community Development Grant – Senior Center

Aamina Ahmad of the Law Department reported on further developments with respect to the proposed \$300,000 grant from the State of Connecticut for the Senior Center. She reported that the State was unwilling to modify its grant to address the Law Committee's prior concerns about the negative pledge provision and the indemnity requirement.

After discussion, upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to recommend approval of the grant by the BET. It is expected that the BET will consider the grant at its regular October 2022 meeting.

7. Executive Session

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to go into executive session at 4.02 P.M.

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to exit executive session at 5.15 P.M.

Adjournment.

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to adjourn the meeting at 5.15 p.m.

Respectfully submitted,

Stephen Selbst, Recording Secretary

Karen Fassuliotis, Chair, Law Committee



**TOWN OF GREENWICH
BOARD OF ESTIMATE AND TAXATION
LAW COMMITTEE
REGULAR MEETING MINUTES
October 12, 2022**

Committee: Karen Fassuliotis, Chair, Stephen Selbst

Law Department: Town Attorney Barbara Schellenberg; Assistant Town Attorney Aamina Ahmad

BET: Laura Erickson; Harry Fisher

The Chair called the meeting to order at 3:03 P.M.

1. Approval of Minutes

September 13, 2022 - Regular Meeting. Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to approve the minutes of the September 13, 2022 regular meeting.

2. Old Business

COVID19 Update. Ms. Schellenberg reported that there were no material changes since her last report.

Year to Date Budget. Ms. Schellenberg reported that the Law Department was under budget as of September 30, 2022.

Law Department Staffing. Ms. Schellenberg reported that the Law Department was considering two qualified candidates to fill a vacancy arising from the retirement of Fernando De Arango. Ms. Schellenberg stated that she hoped to be in a position for Human Resources to make a conditional offer during the week of October 17, 2022.

3. Recent Court Filings

Masouredis v. Town of Greenwich – Ms. Schellenberg reported that the plaintiff in this action was involved in an accident in which a Town truck, driven by a

Town employee, allegedly struck him while he was on a bicycle, and had commenced.

Greenwich Communities v Planning and Zoning Commission of the Town of Greenwich – Ms. Schellenberg reported that this action had recently been filed and that the Law Department was reviewing the allegations and potential responses.

4. Fire Department Foam Incident

There was a discussion about a recent incident in which an aqueous film-forming foam containing perfluoroalkyl and polyfluoroalkyl substances, or PFAS, was found to inadvertently contaminate fire tankers while the Greenwich Fire Department was fighting a fire at McDonald's restaurant. It also appears that the foam spilled to the ground causing McDonald's to close for a few days. The foam containing PFAS was banned in Connecticut, having been replaced by so-called "green foam". In the Audit Committee Meeting, the Fire Department indicated that there has been no guidance given by DEEP as to the disposal and that the tankers that were contaminated may be out of service due to the contamination. The Committee requested that the Law Department follow up with the Fire Department with environmental counsel to sort out the environmental issues surrounding this incident.

5. The Nathaniel Witherell Collection Policy

Harry Fisher of the BET Audit Committee presented a report on the collection of accounts receivable at The Nathaniel Witherell. The BET Audit Committee recently discovered that collection of accounts receivable at The Nathaniel Witherell had slowed. As a result, the Audit Committee is working with the staff to develop better policies for collection of those receivables. The Law Committee asked that the Law Department review the receivables policy and procedure that was circulated at the Audit Committee and to work with The Nathaniel Witherell staff in revising the procedure, if appropriate.

6. State of Connecticut Department of Economic and Community Development Grant – Senior Center

Aamina Ahmad of the Law Department reported on further developments with respect to the proposed \$300,000 grant from the State of Connecticut for the Senior Center. She reported that the State was unwilling to modify its grant to address the Law Committee's prior concerns about the negative pledge provision and the indemnity requirement.

After discussion, upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to recommend approval of the grant by the BET. It is expected that the BET will consider the grant at its regular October 2022 meeting.

7. Executive Session

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to go into executive session at 4:02 P.M.

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to exit executive session at 5:15 P.M.

Adjournment.

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to adjourn the meeting at 5:15 p.m.

Respectfully submitted,



Stephen Selbst, Recording Secretary



Karen Fassuliotis, Chair, Law Committee