1. BET Law Comm. Meeting Agenda 12-9-2021

Documents:

   BET LAW COMM MEETING AGENDA_12-9-2021.PDF

1.I. SUB_TO_APP_BET Law Comm Meeting Minutes_11-8-2021

Documents:

   SUB_TO_APP_BET LAW COMM MEETING MINUTES_11-8-2021.PDF

2. SUB_TO_APP_BET Law Comm Meeting Minutes_12-09-2021

Documents:

   SUB_TO_APP_BET LAW COMM MEETING MINUTES_12-09-2021.PDF

3. ACCEPTED_BET Law Comm. Meeting Minutes_12-09-2021

Documents:

   ACCEPTED_BET LAW COMM MEETING MINUTES_12-09-2021.PDF
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

Law Department Conference Room

Thursday, December 9, 2021 - 1:30 P.M.

AGENDA

1. Approval of Minutes:
   • November 8, 2021

2. Old Business
   • COVID19 Update
   • Law Department Budget Update

3. Recent Court Filings

4. Executive Session to Discuss Pending Litigation

5. Adjournment

The next meeting of the BET Law Committee is scheduled for January 12, 2022 at 3 PM and will be either a virtual meeting, hybrid meeting, or in-person meeting, depending on the status of COVID restrictions.
Committee: Karen Fassuliotis, Chair; Elizabeth K. Krumeich

Law Department: Barbara M. Schellenberg, Town Attorney

BET: Leslie Moriarty, Leslie Tarkington

Guest: Justin Kuehn, Partner, Moore Kuehn, PLLC (outside counsel representing the Town in Tremaine Kinard v. Town of Greenwich)

The Chair called the meeting to order at 3:05 P.M.

1. Approval of the Minutes

   Upon motion made by Ms. Krumeich, seconded by Ms. Fassuliotis, the members approved by a vote of 2-0-0 the Minutes of the Regular Meeting of the Law Committee held on October 13, 2021. Motion carried.

2. COVID-19 Update

   Town Attorney Schellenberg reported that the Law Department Staff was operating normally despite the continuation of restrictions due to the COVID-19 pandemic. Most of the Legal Staff were working in the office. Assistant Town Attorney Valerie Maze Keeney and Special Counsel John Wetmore work remotely several days out of the week.

3. Budget

   The Town Attorney explained that the Retainer Agreement between the law firm Marino Zabel and Schellenberg and the Town of Greenwich had been renegotiated, approved by the Board of Selectmen and constituted billings to the Town of approximately $20,000 per month ($18,000 billed for October 2021). Certain special projects had been billed separately and would now be folded into charges paid under the Retainer Agreement, including the tax appeal cases, the tax delinquency matters, certain claims filed with the Commission on Human Rights and Opportunities against the Town, and litigation involving a former police officer.

   Outside counsel payments totaled $279,000 for the first three months of FY21-22. Committee members expect to discuss at their next regular meeting the Legal Audit Letter dated November 9, 2021, prepared by the Town Attorney for RSM US LLP, the Town’s outside auditor. This Letter sets forth those pending lawsuits and claims that the Town Attorney considers to be material in that they involve claims that may exceed $50,000 individually or in the aggregate.
4. New Claims

The Town Attorney reported that there was one new slip and fall claim brought against the Town that was filed in Connecticut Superior Court in Bridgeport, and that Assistant Town Attorney Fernando de Arango will be defending the Town.

5. Executive Session to Discuss Pending Litigation

The Committee entered an Executive Session to discuss pending litigation.

Upon a motion made by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee entered an Executive Session to discuss pending litigation at 3:29 p.m.

Upon a motion made by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee exited the Executive Session at 4:54 p.m.

The Committee exited the Executive Session.

6. Action item

Upon a motion made by Ms. Krumeich, seconded by Ms. Fassuliotis, the Committee voted 2-0-0 to recommend to the full Board of Estimate and Taxation the settlement of the case Swierczymska v. Town of Greenwich in the amount of $7,500. Motion carried.

7. Adjournment

Upon a motion made by Ms. Krumeich, seconded by Ms. Fassuliotis, the Committee voted unanimously to adjourn the meeting at 4:56 p.m. Motion carried.

Respectfully submitted,

Elizabeth K. Krumeich
Recording Secretary

Karen Fassuliotis
Chair, Law Committee
TOWN OF GREENWICH
BOARD OF ESTIMATE AND TAXATION
LAW COMMITTEE
REGULAR MEETING MINUTES

Thursday, December 9, 2021
Law Department Conference Room

Committee: Karen Fassuliotis, Chair; Elizabeth K. Krumeich
Law Department: Barbara M. Schellenberg, Town Attorney; Aamina Ahmad, Assistant Town Attorney; Fernando F. de Arango, Assistant Town Attorney; Valerie Maze Keeney, Assistant Town Attorney
BET: Andreas Duus III
Outside counsel: Attorney Thomas R. Gerardo, partner in Howd & Ludorf, LLC (Hartford, CT) (H&L), representing Town in Moran v. Town of Greenwich, et al.; Attorney Adam J. DiFulvio, associate in H&L representing individual defendants in Moran case

The Chair called the meeting to order at 1:40 P.M.

1. Approval of the Minutes

Upon motion made by Ms. Krumeich, seconded by Ms. Fassuliotis, the members approved by a vote of 2-0-0 the Minutes of the Regular Meeting of the Law Committee held on November 8, 2021. Motion carried.

2. COVID-19 Update

Town Attorney Schellenberg reported that the Law Department Staff was operating normally despite the continuation of restrictions due to the COVID-19 pandemic. Legal Staff meetings are now being held periodically, and the next one is scheduled for Monday, December 20, 2021.

3. Budget

The Town Attorney provided a budget update to the members. Her concern is that the cost of outside counsel will exceed the budget and may require a request for an interim appropriation. Attorney Schellenberg explained that due to the courts having returned to their normal dockets and litigators representing the Town incurring costs for discovery, the fees for outside counsel had increased. The Town Attorney noted that one case was scheduled to go to trial on January 12, 2021, and substantial fees would be incurred to defend the Town, assuming the case does not settle.

The members also discussed the legal fees for labor contract negotiations and it was assumed that the Office of the First Selectman incurred those costs.
4. New Claims

The Town Attorney reported that there were no new cases filed against the Town this month.

5. Executive Session to Discuss Pending Litigation

The Committee entered an Executive Session to discuss pending litigation, including certain specific cases as referenced in the Legal Audit Letter dated November 9, 2021, prepared by the Town Attorney for RSM US LLP (RSM), the Town’s outside auditor.

Upon a motion made by Ms. Krumeich, seconded by Ms. Fassuliotis, the Committee entered an Executive Session to discuss pending litigation at 1:48 p.m.

Upon a motion made by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee exited the Executive Session at 3:45 p.m.

The Committee exited the Executive Session.

6. Adjournment

Upon a motion made by Ms. Krumeich, seconded by Ms. Fassuliotis, the Committee voted unanimously to adjourn the meeting at 3:46 p.m. Motion carried.

Respectfully submitted,

_______________________________
Elizabeth K. Krumeich
Recording Secretary

_______________________________
Karen Fassuliotis
Chair, Law Committee

The next meeting of the Law Committee will be held on January 12, 2022 and will either be an in-person, hybrid or virtual meeting depending on the status of COVID-19
The Chair called the meeting to order at 1:40 P.M.

1. Approval of the Minutes

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[Signature]

Elizabeth K. Krumeich
Recording Secretary

[Signature]

Karen Fassuliotis
Chair, Law Committee

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