



MINUTES of the special meeting of the Board of Estimate and Taxation held on Thursday, August 4, 2011 in the Town Hall Meeting Room, Greenwich, CT.

Chairman Stephen Walko called the meeting to order at 5:00 P.M., after which the members pledged allegiance to the flag.

Board members in attendance:

Stephen G. Walko, Chairman  
Jim Campbell, Vice Chairman  
Joseph L. Pellegrino, Clerk  
William R. Finger  
Randall Huffman  
Michael S. Mason  
Arthur D. Norton  
Jeffrey S. Ramer  
Laurence B. Simon  
Leslie L. Tarkington

Absent: Nancy Barton, William Kelly

Staff: Peter Mynarski, Comptroller, Diane Fox, Director Planning and Zoning, Michael Chambers, Director Inland Wetlands and Watercourses Agency, Joseph Siciliano, Director, Thomas Greco, Parks and Recreation, Sidney Freund, Superintendent, Ben Branyan, Managing Director of Operations, Kim Eves, Director of Communications, Greenwich Public Schools,

Selectman: David Theis, Drew Marzullo

Other: Joseph Ross, MISA Building Committee Chairman

### **NON-ROUTINE APPLICATIONS**

#### **ED-1 BOE – MISA Building Committee – Release of Conditions \$1,390,000**

Mr. Joseph Ross, Chairman of the Greenwich High School MISA Building Committee, appeared before the BET with a request to release for environmental site work remediation an additional \$1,390,000 of the original \$17,000,000 appropriated for MISA. Mr. Ross began by presenting to

the BET a diagram of the project and proceeded to detail the current layout of the project. Mr. Ross explained that there are presently two tarped piles of soil that are contaminated to a certain degree and he pointed out their location on the diagram. Mr. Ross then explained that while undergoing site work excavation, a discoloration in the soils was noticed. The materials were tested and a degree of contamination was measured. Mr. Ross notified Board of Education officials and the site and surrounding fields were closed for usage until further testing can determine the extent of the contamination.

Mr. Ross provided the BET with a two page handout. One document was entitled "Phase I Construction Cost Impacts" detailing the estimated amounts needed to remediate the site to continue the project. Mr. Walko instructed Mr. Ross to proceed through the document with an explanation for each line item. The request was broken down into four categories; 1) Contaminated Soils, 2) Wetlands Drainage Revisions, 3) Town of Greenwich Tree Logging and Milling and 4) Contingency. Of significance, was the conversation concerning the requests for soil sampling, air monitoring and environmental testing for a total of \$240,000. A discussion was held with respect to the allocation attributable to MISA and the amount that should not be charged to MISA. After an extended debate on whether or not the full amount or a prorated amount should be charged to MISA, it was decided that \$152,000 was not MISA related as it was outside the MISA project footprint and should not be in the requested total. During the conversation, based on new information received earlier in the day, Mr. Ross updated his estimate for environmental testing from \$100,000 to \$200,000, increasing the total request to \$1,315,000.

Dr. Sidney Freund stressed that it is important to continue the testing. Dr. Freund pointed out that the high school sports teams will need the playing and practice fields starting August 22<sup>nd</sup> and the teacher's will need the parking facilities August 25<sup>th</sup>.

Mr. Finger asked about a worst case scenario in terms of cost. Mr. Ross stated Phase I is almost finished and they will have the results of their further testing in the next week to ten days. At that time, the severity of the problem would be more evident.

Mr. Pellegrino asked about the chain of command and who is in charge regarding decision making. Mr. Ross answered that the various State and Federal agencies overseeing the progress of the testing are immediately in charge and will dictate to the Town the course of action that needs to be taken. Dr. Freund added that he is relying on the expertise of the on-call testing consultants for advice and he is acting as a conduit in keeping everyone apprised of the events unfolding.

Mr. Walko then turned the discussions to the action that the BET needs to take on the release of conditions for funding or the need for an additional appropriation. Mr. Walko resorted to reading section 28 of the Town Charter regarding emergency appropriations. A debate ensued about the actual intent and meaning of section 28. The debate centered on alternative means of funding the \$152,000 that was earlier decided to be non-MISA related expenses. The options being a supplemental appropriation or having the Board of Education fund it through its operating budget. At that point Mr. Walko and Mr. Mynarski left the meeting to discuss the meaning with Town Attorney, Wayne Fox, through a telephone call. Mr. Jim Campbell assumed the Chairmanship of the BET at 6:23 P.M.

Mr. Ross stated that we know what to do in the short term, but are unsure of the long term. Mr. Ross informed the BET that the immediate plan is to finish Phase I.

Mr. Mason stressed that there needs to be a comprehensive presentation regarding the potential exposure to the site and community and without that, there is not enough information to act prudently.

Dr. Freund offered that he needs direction as to whose responsibility this is in order to move forward and the primary goal is to open the school on time.

Mr. Campbell decided to move the attention of the Board to discussing the remainder of the request for a release of conditions to fund the project. Mr. Ross informed the BET that the Wetlands Drainage Revisions and Tree Logging and Milling requests, imposed by several Town agencies after approved project funding, were due to a lack of sufficient contingency in the amount previously appropriated. Mr. Ross stated they were running out of the original contingency amount.

Mr. Pellegrino asked what a Vortec Unit is. Mr. Ross explained that it is a storm water regulator that minimizes sediment going downstream.

Mr. Walko returned at 6:40 P.M. and reassumed the Chair of the BET. Mr. Walko further explained that after discussing section 28 of the Town Charter with Town Attorney Wayne Fox, it was still not entirely clear what the section intended to mean. Mr. Walko stressed that section 28 must have some meaning other than going through the normal process with BET and Representative Town Meeting approvals. Mr. Walko decided that the Board of Education would need to find funding for the \$152,000 previously mentioned through operating accounts. Of this amount, \$100,000 was not included in this request and the \$52,000 was reduced from the first two items by \$12,000 (30% of \$40,000) and \$40,000 (\$100,000 less 30% of \$200,000). The 30% allocation was recommended by Mr. Ross as representing the amount attributable to testing that was not within the MISA footprint.

Mr. Ramer made a motion to release \$1,338,000 of conditioned funds for Phase I Construction Costs, seconded by Mr. Finger. The Board voted 10-0-0 to approve the application and release the funds.

## **ADJOURNMENT**

There being no further business before the Board, the meeting was adjourned at 6:48 P.M.

Respectfully submitted,

---

Peter Mynarski, Recording Secretary

---

Joseph L. Pellegrino, Clerk of the Board

---

Stephen G. Walko, Chairman

SUBJECT TO APPROVAL