MINUTES of the regular meeting of the Board of Estimate and Taxation held on Monday, September 23, 2019, in the Town Hall Meeting Room, Greenwich, CT.

Jill Oberlander, BET Chair, called the meeting to order at 6:34 P.M., after which the members pledged allegiance to the flag.

Board members in attendance:

Jill K. Oberlander, Chair  
Jeffrey S. Ramer, Vice Chairman  
Elizabeth K. Krumelich, Clerk  
William Drake  
Andreas Duus III  
Karen Fassuliotis  
Debra Hess  
Michael S. Mason  
Leslie Moriarty  
Leslie L. Tarkington  
Anthony Turner  
David Weisbrod

Staff:  
Benjamin Branyan, Town Administrator; Lauren Elliott, Assessor; J. Wayne Fox, Town Attorney; Roland Geiger, Budget Director; Alan Monelli, Superintendent, Building Construction and Maintenance; Peter Mynarski, Comptroller; Howard Richman, Tax Collector; Joseph Siciliano, Director, Parks & Recreation; Abby Wadler, Assistant Town Attorney

Selectmen:  
Peter Tesei, First Selectman; Sandy Litvack, Selectman

Other:  
Michael Miller, Board Treasurer, Transportation Association of Greenwich (TAG)

**EXECUTIVE SESSION – Discussion of Pending Litigation**

Ms. Oberlander called for an Executive Session to discuss pending litigation.

Upon a motion by Ms. Krumelich, seconded by Ms. Fassuliotis, the Board voted 12-0-0 to enter Executive Session at 6:34 P.M. Motion carried.

Upon a motion by Ms. Fassuliotis, seconded by Ms. Krumelich, the Board voted 12-0-0 to exit Executive Session at 6:40 P.M. Motion carried.

The Board exited Executive Session at 6:40 P.M.
Ms. Oberlander called for a motion to change the Order of Business to move NON-ROUTINE Item #3, PW-1 Department of Public Works, to the first item on the Agenda.

Upon a motion by Mr. Ramer, seconded by Ms. Tarkington, the Board voted 12-0-0 to change the Order of Business to move PW-1 Department of Public Works to the first item on the Agenda.

NON-ROUTEKN APPLICATIONS

<table>
<thead>
<tr>
<th>Number</th>
<th>Department</th>
<th>Amount</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>PW-1</td>
<td>DPW</td>
<td>$170,000</td>
<td>Release of Conditions- EGCC</td>
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</table>

Ms. Moriarty reported on the Budget Committee discussion for the release of conditions on FY17 capital appropriation of $170,000 for the Eastern Greenwich Civic Center project. The condition was for the review and acceptance of a report on environmental test results. The funds will be used to develop plans to request municipal improvement (MI) approval for the project. The FY20 capital appropriation of $300,000 for the EGCC project is conditioned on receiving MI approval. Mr. Monelli indicated to the Budget Committee that he anticipates needing an additional $190,000 to complete construction documents, which will be requested in the next six months. The Budget Committee voted 4-0-0 to release conditions on $170,000. The opportunity for a zero net building or a LEEDS Silver design was discussed and it was requested that the architect provide information on achieving greater energy efficiency in the final design.

Upon a motion by Ms. Moriarty, seconded by Ms. Tarkington, the Board voted 12-0-0 to release conditions on the $170,000. Motion carried.

SE-1    First Selectman $12,565.17 Additional Appropriation
Settlement – The Standard
Fire Insurance Co. v. TOG & O’Connor

Ms. Krumeich reported that the Law Committee voted 2-0-0 to accept the settlement recommended by the Town Attorney.

Upon a motion by Mr. Ramer, seconded by Ms. Fassuliotis, the BET voted 12-0-0 to approve a $12,565.17 appropriation in settlement of The Standard Fire Insurance Co. v. TOG & O’Connor. Motion carried.

SE-2    First Selectman $11,049.49 Additional Appropriation
Settlement – Wurtzel v. TOG

Ms. Krumeich report that the Law Committee voted 2-0-0 to approve the additional appropriation for the property damage.

Upon a motion by Ms. Krumeich, seconded by Ms. Fassuliotis, the Board voted 12-0-0 to approve a $11,049.49 appropriation in settlement of Wurtzel v. TOG. Motion carried.
ROUTINE APPLICATIONS

Ms. Krumeich, BET Clerk, moved the following Routine Applications. Ms. Moriarty reported on the Budget Committee actions.

<table>
<thead>
<tr>
<th>Application</th>
<th>Department</th>
<th>Amount</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>HD-1</td>
<td>Health</td>
<td>$66,752</td>
<td>Approval to Use Public Funds - FY2019/2020</td>
</tr>
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Ms. Moriarty reported that the Budget Committee voted 4-0-0 to approve the use of the state grant of $66,752.

<table>
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<tr>
<th>Application</th>
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<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>PW-3</td>
<td>DPW</td>
<td>$3,000,000</td>
<td>Release of Conditions Byram Fire Station Rehabilitation</td>
</tr>
</tbody>
</table>

Ms. Moriarty reported that the Budget Committee voted 4-0-0 to approve the release of funds for the Byram Fire Station rehabilitation project. She noted that the Representative Town Meeting (RTM) had approved the $450,000 interim appropriation request to complete the required funding for the project.

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<tr>
<th>Application</th>
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<th>Amount</th>
<th>Action</th>
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</thead>
<tbody>
<tr>
<td>TAG-1</td>
<td>TAG</td>
<td>$73,750</td>
<td>Release of Conditions</td>
</tr>
</tbody>
</table>

Ms. Moriarty reported that the Budget Committee voted 4-0-0 to approve the Release of Conditions on 50% ($73,750) of the second half of the Town’s annual contribution to TAG based on cash flow needs.

Upon a motion by Ms. Krumeich, seconded by Mr. Ramer, the Board voted 12-0-0 to approve the Routine Applications. Motion carried.

ASSESSOR’S REPORT

Ms. Elliott reported that during the Board of Assessment Appeals Motor Vehicles Hearings, a reduction of $394,835 in assessed value was made to the 2018 Grand List, resulting in a tax loss of $4,612. Personal property declarations have been mailed with instructions on how to file electronically in preparation for a conversion to 100% electronic filing next year. Audits of the 10-12 largest non-filers will be performed by Tax Management Associates starting in October 2019. It was noted, however, that non-filers are currently paying taxes based on an estimated valuation provided to them. Contracts are being prepared in the Law Department for Tyler Technologies and J.F. Ryan & Associates, the two companies hired to execute the 2020 Revaluation that are the same companies that performed the 2015 Revaluation.

Upon a motion by Ms. Tarkington, seconded by Mr. Ramer, the Board voted 12-0-0 to accept the Assessor’s report. Motion carried.

COMPTROLLER’S REPORT

Ms. Oberlander congratulated Mr. Mynarski on receiving a Certificate of Achievement for
Excellence in Financial Reporting from the Government Finance Officers Association for the 15th consecutive year under his leadership and for the 58th consecutive year for the Town. Mr. Mynarski thanked his staff for their efforts, recognizing Mr. Gieger, Ms. Tracy and Ms. Yemets. He recognized the Risk Manager, Ms. Zanesky, for her persistence in working with FEMA officials to obtain a final reimbursement of up to $761,634 for damages sustained at Island Beach and Greenwich Point during the 2012 Superstorm Sandy. FEMA officials will be visiting Greenwich Point in October for an onsite visit with the Risk Manager.

Upon a motion by Ms. Tarkington, seconded by Mr. Ramer, the Board voted 12-0-0 to accept the Comptroller’s Report. Motion carried.

TREASURER’S REPORT
Ms. Oberlander asked for questions about the Treasurer’s Report showing investment portfolio activity for July and August 2019. Hearing none, the Chair noted that the BET had received the Report and would forward it to the Audit Committee to be filed for review by the outside auditor.

BET Standing Committee Reports
None presented

BET Liaison Reports
None presented

BET Special Project Team Reports

Labor Contracts – Mr. Ramer and Mr. Mason reported that the Board of Education (BOE) collective bargaining agreement (Agreement) negotiations had concluded and the agreement between the BOE and the teachers was approved for the period of July 1, 2020 – June 30, 2023. Details on changes to the Agreement can be found on the BOE website in the documents for the September 19, 2019, BOE meeting. The Agreement includes a 2.9 percent increase in teacher salaries over the previous year for each of the next three years, which includes a general wage increase (GWI) of 1.6 percent for the top step, but no change in the lower steps. The negotiations began with 40 items, which if they had been accepted, would have meant a 20 percent increase in the Agreement. BOE employee healthcare contribution will increase by 1.5 percentage points each year over the term of the 3-year contract (from 13.5% in FY21 to 15% in FY22 and 16.5% in FY23).

OLD BUSINESS
None

NEW BUSINESS

• Discussion on Greenwich Transportation Center Redevelopment Agreement
Ms. Oberlander opened the discussion asking BET members for their reactions to September 19, 2019, BET Workshop on the Greenwich Transportation Center Redevelopment Agreement. BET members indicated they have concerns on the proper calculation of the value of the assets being sold, including the Air Rights, and the value of the public benefit being provided to the Town. They questioned whether the Town needs more experienced advisors and whether the current structure of the deal is the most appropriate. The Chair recognized the First Selectman. Mr. Tesei indicated that he is pleased the BET, RTM and Planning & Zoning (P&Z) are engaged in the discussions and that he does not intend to put this on the call for the RTM meeting so that more time can be given to address the issues raised.
- **Motion submitted by Republican Caucus Members to Form a Special Committee.**

  Mr. Mason made the following motion, seconded by Mr. Drake, submitted by Republican caucus members William Drake, Andreas Duus, Debra Hess, and Michael Mason to form a Special Committee to investigate the Democratic BET members in relation to Connecticut State Election Enforcement Commission (SEEC) decisions:

  Motion for the Chair to form a BET Committee to investigate Connecticut State Elections Enforcement Commission (SEEC) complaint and rulings / decisions for file 2018-008a and 2018-008b, including the recent actions and ongoing investigations. The Committee formed by the BET Chair will meet the minority representation requirements of the CT Gen. Statutes Section 9-167a. The Committee to report back to the full BET at our October 24, 2019 meeting. Their report should include findings, any ongoing work of the CT SEEC, and recommendations to the BET.

  Members of the BET discussed issues surrounding the motion, including its applicability to BET duties and responsibilities, its intent, process issues, timing issues, and costs to the Town.

  The Chair made a ruling that the reading of e-mails by one member were not germane to the motion under consideration since they would be part of the Committee’s scope of work and thus out of order.

  Upon a motion by Mr. Turner, seconded by Mr. Mason, the Board voted 5-7-0 to sustain the Chair’s decision that the reading of the e-mails that are not germane to the motion since they would be part of the Committee was out of order. (Opposed: Drake, Duus, Fassuliotis, Hess, Mason, Tarkington, Turner). Motion failed.

  Upon a motion by Ms. Fassuliotis, seconded by Ms. Tarkington, the BET voted 8-4-0 to allow unlimited speaker time. (Opposed: Krumeich, Moriarty, Ramer, Weisbrod). Motion carried.

  Ms. Moriarty made the following motion to amend, seconded by Ms. Krumeich: Motion to amend to increase the scope of the Committee to expand the investigation to include the following: (1) prior SEEC complaints and consent orders against Ms. Hess; (2) ensuing conflict of interest with Town Clerk audit by Ms. Hess; (3) possible ethical violations by Mr. Mason to influence the outcome of the Parking Services audit; (4) possible harassment of the internal Town Auditor; (5) Mr. Turner’s misinformation in the Audit Committee about sharing confidential information; (6) negotiation of one-sided contract on Greenwich Transportation Center Redevelopment Agreement to give away Town’s ownership without a proper valuation; (7) preferential assignment of railroad station parking permits; (8) possible fixing of parking tickets; and (9) electronic eavesdropping on Democratic campaign meetings in Town Hall. The Board voted 5-7-0 for an expanded scope for the Special Committee. (Opposed: Drake, Duus, Fassuliotis, Hess, Mason, Tarkington, Turner). Motion failed.
Upon a motion by Mr. Ramer, seconded by Mr. Mason, the BET voted 5-7-0 to postpone the Motion to form a Committee to investigate the SEEC decisions until the BET’s November Meeting after the upcoming election. (Opposed: Drake, Duus, Fassuliotis, Hess, Mason, Tarkington, Turner). Motion failed.

Mr. Drake made a motion to amend to select the BET members to serve on the Committee by ballot.

RECESS: The Board recessed at 9:26 P.M. and returned to discussion of its Agenda at 9:48 P.M.

Mr. Drake withdrew his motion to amend.

The discussion continued on the motion. The Chair made a ruling that a discussion was out of order.

Mr. Turner made a motion to appeal the decision of the Chair to declare the discussion was out of order, seconded by Ms. Fassuliotis. The motion was withdrawn.

The vote on the original motion made by Mr. Mason, seconded by Mr. Drake, was then taken and the BET voted 7-5-0 to direct the Chair to form a Committee. (Opposed: Krumeich, Moriarty, Oberlander, Ramer, Weisbrod). Motion carried.

- **Change in BET Policy and Procedures Manual – First Read**
  
  Mr. Ramer explained that he had identified inconsistencies in four instances in the BET Policy and Procedures Manual regarding agendas and meetings. He proposed a BET Standing Committee meeting with Mr. Mason to reconcile the differences and report back with proposed changes at the next BET meeting.

**Chair’s Report**

None

**Approval of the BET Meeting Minutes**

Upon a motion by Ms. Krumeich, seconded by Ms. Tarkington, the Board voted 12-0-0 to amend the Minutes of the Regular BET Meeting of July 22, 2019. Motion carried.

Upon a motion by Ms. Krumeich, seconded by Mr. Ramer, the Board voted 12-0-0 to approve the Minutes of the Regular BET Meeting of July 22, 2019, as amended. Motion carried.

**Adjournment**

Upon a motion by Mr. Duus, seconded by Ms. Fassuliotis, the Board voted 12-0-0 to adjourn the meeting at 10:16 P.M. Motion carried.

The next Regular Meeting of the Board of Estimate and Taxation is on Thursday, October 24,
2019, at 6:30 P.M. in the Cone Room.

Respectfully submitted,

______________________________
Catherine Sidor, Recording Secretary

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Elizabeth K. Krumeich, Clerk of the Board

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Jill K. Oberlander, Chair