



**BET LAW COMMITTEE
Regular Meeting**

Thursday, March 11, 2021 - 3:00 P.M.

WEBINAR

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AGENDA

1. Continuation of Review of Proposed Budget Resolutions for FY22 – review and revise, as necessary; vote on final FY22 Budget Resolutions as recommended by the Law Committee
2. Approval of Minutes:
 - January 11, 2021 – Regular Meeting
 - January 11, 2021 – Executive Session
 - February 17, 2021 – Regular Meeting
 - February 23, 2021 – Special Meeting
3. Executive Session (if needed)
4. Adjournment

The next meeting of the BET Law Committee is scheduled for April 7, 2021 at 3 PM and will be either a virtual 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**

Monday, January 11, 2021
Virtual Meeting

Committee: Karen Fassuliotis, Chair; Elizabeth K. Krumeich

Legal Staff: Aamina Ahmad, Assistant Town Attorney

BET: Laura Erickson; Leslie Moriarty; Leslie Tarkington

Outside counsel: Dennis Kokenos, Partner, Marino, Zabel & Schellenberg, LLP

The Chair called the meeting back to order at 4:02 p.m.

Attorney Kokenos advised the Committee that the Town Attorney Vincent Marino was out on a medical leave. He explained that colleagues from the law firm Marino, Zabel & Schellenberg, LLP will be available in the Law Department each weekday except Friday pursuant to a schedule. He also advised that Attorney Timothy Herbst would assist the First Selectman with ongoing legal matters, Attorney Barbara Schellenberg would assist with zoning matters, Attorney David Zabel would assist with labor matters, and Attorney Kokenos would handle tax appeals with the Assessor. Attorneys Herbst and Kokenos will work with the First Selectman and BET Budget Committee during the budget process in order to provide budget figures for the Law Department. Attorney Kokenos is becoming familiar with the legal claims that are in litigation and require attention at this time. Law Department Staff meetings will be held on a periodic basis.

1. Up-date on COVID-19

Attorney Kokenos reported that the Law Department continues with the schedule of on-site and remote Staff due to the COVID-19 pandemic.

2. Budget Resolutions

GEMS .Attorney Ahmad advised the Committee that the Greenwich Emergency Medical Services (GEMS) has requested a budget resolution regarding architectural and engineering

funds which are being donated to the Town by GEM. The Committee felt that more information was needed to determine under what process this gift could be accepted by the Town.

Resolution Relating to Human Resources. The Committee will be looking at the resolution relating to Human Resources and the Table of Organization.

3. Approval of the Minutes

Upon a motion made by Ms. Krumeich, seconded by Ms. Fassuliotis, the Committee voted unanimously to approve the Minutes of the Law Committee Regular Meeting held on October 14, 2020, and Special Meeting held on October 20, 2020. Motion carried.

4. Adjournment

Upon a motion made by Ms. Krumeich, seconded by Ms. Fassuliotis, the Committee voted unanimously to adjourn the meeting at 4:24 p.m. Motion carried.

The next Regular Meeting of the Law Committee will be held on Wednesday, February 17, 2021, at 3:00 p.m. in a virtual meeting.

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**

Monday, January 11, 2021
Virtual Meeting

Committee: Karen Fassuliotis, Chair; Elizabeth K. Krumeich
Legal Staff: Valerie Maze Keeney, Assistant Town Attorney
BET: Laura Erickson; Leslie Moriarty; Leslie Tarkington
Selectmen: Jill Oberlander, Select-person
Outside counsel: Dennis Kokenos, Marino, Zabel & Schellenberg, LLP Robert Mitchell, Mitchell & Sheehan, P.C.

The Chair called the meeting to order at 3:02 p.m.

1. Executive Session to discuss Pending Litigation

Upon a motion made by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee voted 2-0-0 to go into Executive Session at 3:03 p.m. to discuss pending cases in litigation. Motion carried.

The Committee entered into the Executive Session.

Upon a motion made by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee voted 2-0-0 to exit the Executive Session at 3:35 p.m. Motion carried.

The Committee exited the Executive Session.

2. Adjournment

Upon a motion made by Ms. Krumeich, seconded by Ms. Fassuliotis, the Committee voted unanimously to adjourn the meeting at 3:35 p.m. Motion carried.

The Regular Meeting will reconvene at 4:00 p.m. today in a virtual meeting.

Respectfully submitted,

Elizabeth K. Krumeich
Recording Secretary

Karen Fassuliotis
Chair, Law Committee

SUBJECT TO APPROVAL

**TOWN OF GREENWICH
BOARD OF ESTIMATE AND TAXATION
LAW COMMITTEE
REGULAR MEETING MINUTES**

Wednesday, February 17, 2021
Virtual Meeting

Committee: Karen Fassuliotis, Chair; Elizabeth K. Krumeich

Legal Staff: Aamina Ahmad, Assistant Town Attorney

BET: Leslie Moriarty; Miriam Kreuzer; Michael Mason

Outside counsel: Timothy Herbst, Member, Marino, Zabel & Schellenberg, LLP (MZS);
Dennis Kokenos, Member, MZS

The Chair called the meeting to order at 3:18 p.m.

1. Law Department Budget

As the Town Attorney is on medical leave, Attorney Herbst presented the year-to-date FY20-21 Budget for the Law Department, reviewing budget to actual and noting that the year-to-date actual was 51% of the budget. Attorney Herbst discussed the fees for outside counsel and the objective of staying within the budget. The Committee discussed the finances of the Law Department under the First Selectman's FY21-22 Operating Budget. Committee members discussed the proposed removal of a Staff attorney and paralegal position from the Table of Organization for the Law Department as well as the engagement of attorneys in the Town Attorneys' firm, Marino, Zabel & Schellenberg (MZS), including the hiring by MZS of an attorney to handle tax appeals with Attorney Kokenos, as well as the attorneys at Cohen & Wolf who are currently representing the Town on various tax appeals. Attorney Herbst also updated the Committee as to the fees of MZS billed pursuant to the retainer agreement between the First Selectman and the Town Attorney and those non-retainer fees billed by MZS to the Town.

2. COVID-19 Report

Attorney Kokenos reported that the Connecticut Judiciary System was not operating normally due to the COVID-19 pandemic. Court hearings and depositions were being scheduled, but trials were being postponed for a year and more. The Chair requested that the COVID-19-related legal expenses be tracked for possible reimbursement under Federal or State grants.

3. Budget Resolutions

The Committee discussed a proposed budget resolution submitted by Greenwich Medical Emergency Services (GEMS) in order to allow GEMS to donate architectural and engineering costs for the construction of Station 4 upon the approval of the Board of Estimate and Taxation. A discussion as to whether this should appear as a separate resolution to the Representative Town Meeting ensued.

Upon a motion by Ms. Krumeich, seconded by Ms. Fassuliotis, the Committee approved by a 2-0-0 vote to return the proposed GEMS Resolution to the Office of the First Selectman with a recommendation that the resolution be placed before the RTM separately from the BET recommended budget resolutions. Motion carried.

The Committee discussed the section of the Budget Resolutions which addresses the Table of Organization (TOO) of the Town employees and the impact on the Town Operating Budget when positions are changed or left vacant under the TOO. It was agreed that the Committee members with Attorney Ahmad would develop a draft to revise this section of the Budget Resolutions for consideration by the Committee prior to the BET Budget Committee's Decision Day on March 4, 2021.

4. Approval of Minutes

Upon a motion made by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee voted 2-0-0 to approve the Minutes of the Regular Meeting of the Law Committee held virtually at 3:02 p.m.(Executive Session) and continued at 4:03 p.m. on January 11, 2021. Motion carried.

5. Adjournment

Upon a motion made by Ms. Krumeich, seconded by Ms. Fassuliotis, the Committee voted unanimously to adjourn the meeting at 4:00 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
SPECIAL MEETING MINUTES**

Tuesday, February 23, 2021
Virtual Meeting

Committee: Karen Fassuliotis, Chair; Elizabeth K. Krumeich

Legal Staff: Aamina Ahmad, Assistant Town Attorney

BET: Michael Mason, Chairman

Selectmen: Jill Oberlander, Select-person

Outside counsel: Timothy Herbst, Member, Marino, Zabel & Schellenberg, PLLC

The Chair called the meeting to order at 4:00 p.m.

1. Law Department Budget

As the Town Attorney is on medical leave, Attorney Herbst presented a review of the billings by outside counsel in the last three years. He noted that the retainer agreement with Marino, Zabel & Schellenberg, PLLC (MZS) had been fully executed by the Town Attorney and the First Selectman, and had replaced the retainer agreement with Cohen & Wolf. Attorney Herbst reported that one law firm, Mitchell & Sheahan, P.C. (MS), had entered into two separate retainer agreements with the Town. MS is currently representing the Town in five employment law matters. Past billing practices of various firms were also discussed with the Committee. Attorney Herbst assured the Committee that the Acting Town Attorney, through MZS, would monitor outside counsel fees to determine whether or not the fees remained within the Department's budget. Attorney Herbst also discussed with the Committee members the proposed reduction of one attorney and one paralegal from the Table of Organization of the Law Department, as well as the engagement of MZS attorneys to support this Law Department's services to the Town government.

Upon a motion by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee voted 1-1-0 to recommend to the Board of Estimate and Taxation Budget Committee the FY21-22 Operating Budget for the Law Department (Opposed: Krumeich). Motion failed.

2. Budget Resolutions

The Committee discussed the section of the Budget Resolutions which addresses the Table of Organization (TOO) of the Town employees and the impact on the Town Operating Budget when positions are changed or left vacant under the TOO. Draft discussion points were circulated to the Committee and Attorney Ahmad for consideration. It was agreed that the Committee members with Attorney Ahmad would continue to revise this section of the Budget

Resolutions for consideration by the Committee prior to the BET Budget Committee's Decision Day on March 4, 2021.

3. Adjournment

Upon a motion made by Ms. Krumeich, seconded by Ms. Fassuliotis, the Committee voted unanimously to adjourn the meeting at 5:10 p.m. Motion carried.

Respectfully submitted,

Elizabeth K. Krumeich
Recording Secretary

Karen Fassuliotis
Chair, Law Committee

SUBJECT TO APPROVAL