

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

Wednesday, April 7, 2021
Virtual Meeting

Committee: Karen Fassuliotis, Chair; Elizabeth K. Krumeich
Legal Staff: Aamina Ahmad, Assistant Town Attorney
BET: Miriam Kreuzer, Leslie Moriarty, Leslie Tarkington
Staff: Ben Branyan, Town Administrator
Town Attorney: Timothy Herbst, Member, Marino, Zabel & Shellenberg

The Chair called the meeting to order at 3:00 p.m.

Upon a motion made by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee voted. 2-0-0 to change the order of the Agenda and to take up the Budget Resolutions first. Motion carried.

1. Budget Resolutions

a. GEMS Station 4 Resolutions

Mr. Branyan discussed the plan for GEMS to donate funds to cover the architectural and engineering study for Station 4, and to contribute to the cost of the construction project of Station 4. The Committee reviewed the proposed changes to the Budget Resolution relating to the donation from GEMS for Station 4.

The following motion was put forward for approval:

xx. GEMS Station 4. The First Selectman is authorized to accept from Greenwich Emergency Medical Service, Inc. (GEMS) a gift, valued at \$330,000, for architectural and engineering services and furniture, fixtures and equipment (FFE), and is further authorized to accept a gift of \$200,000, both of which are for the Town-planned GEMS Station 4 project.

Upon a motion made by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee voted 2-0-0 to approve the Budget Resolution for GEMS, as amended, and to recommend the Budget Resolution to the Board of Estimate and Taxation as part of the FY2021-2022 budget. Motion carried.

b. Table of Organization Resolution

The Committee then discussed the proposed changes to the Budget Resolution regarding the Table of Organization.

The following motion was put forward for approval:

RESOLUTIONS OF BOARD OF ESTIMATE AND TAXATION AND REPRESENTATIVE TOWN MEETING ON PROPOSED FY2021-2022 BUDGET

ADDITIONAL PROVISIONS

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

At the end of the Fiscal Year 2021-2022, except as otherwise provided by the Board of Estimate and Taxation (BET), any uncommitted balances of the Capital Project Fund shall lapse and, with the approval of the [~~Board of Estimate and Taxation~~]BET, shall become an appropriation into the Capital and Non Recurring Fund and become available for future capital expenditures.

The Representative Town Meeting (RTM) of the Town of Greenwich in accordance with C.G.S. §7-450a(b) hereby requests a qualified cost estimate from the enrolled actuary, as defined in said statute, for any ordinance or act altering the retirement system of the Town of Greenwich and receipt of same, as specified in subsection (d) of said statute, shall be accomplished through the Comptroller filing a certified copy of same with the Town Clerk as the Clerk of the [~~Representative Town Meeting~~]RTM.

WHEREAS:

(a) The [~~Board of Estimate and Taxation~~]BET is responsible for the proper administration of the financial affairs of the Town; and

(b) For the purposes of salary [~~and benefits~~] no appropriation for one object shall be used for any other object, except that the [~~Board of Estimate and Taxation~~]BET shall have the power to transfer uncommitted balances from one appropriation for a department to another appropriation for the same department; and

(c) All appropriations for salary [~~and benefit~~]accounts for the FY2021-2022 are based on the Town's FY2021-2022 Table of Organization (TOO) and positions that are funded in the proposed budget recommended by the [~~Board of Estimate~~]BET [~~and Taxation;~~] and subsequently approved by the Representative Town Meeting; and

(d) Any additions to the number of positions in any [~~Department~~]department's [~~in the~~]TOO resulting in an additional financial commitment of the Town that may have an impact on the Town's [~~Table of Organization, or any substantial~~] budget; and

(e) Any reorganization [~~or reclassification that will~~] of a department (i.e. resulting in an increase to the Town's pension [~~liability~~]obligations or contributions to any deferred compensation savings plan), by the Town that will result in [~~fiscal/budgetary consequences;~~]an additional financial commitment of the Town and that may have an impact on the Town's budget.

IT IS RESOLVED that the appropriations for the salary [~~and benefits~~]accounts in FY2021-2022 may be used [~~only~~] to fund only the total number of positions as contained in the [~~Table of Organization, which~~]TOO, that are the objects of the appropriations, and may not be used to fund any additions to the positions in any [~~Department~~]department's [~~in the~~ Table of

~~Organization~~TOO, without approval of the ~~[Board of Estimate and Taxation]~~BET;

IT IS FURTHER RESOLVED that any funding allocated to the salary accounts for each ~~[Department]~~department over and above that necessary to implement the terms of collective bargaining agreements in effect at the time of the adoption of the FY2021-2022 budget may not be expended ~~[until and]~~unless and until a collective bargaining agreement is in place for which the ~~[Representative Town Meeting has approved funding]~~RTM has taken action pursuant to C.G.S. §7-474(b).

IT IS FURTHER RESOLVED that any funding allocated to the salary for Management and Confidential (MC) employees [salary accounts] for each ~~[Department]~~department may not be expended ~~[until and]~~unless and until such MC ~~[salaries]~~salary accounts are subsequently approved by the ~~[Board of Estimate and Taxation]~~BET.

~~[AND]~~IT IS FURTHER RESOLVED that any ~~[substantial]~~funding allocated to the salary accounts for Elected Officials may not be expended unless and until such Elected Official salary accounts are subsequently approved by the BET.

IT IS FURTHER RESOLVED that any additions to the number of positions in any department's TOO in FY2021-2022 that will result in an increase of the Town's pension obligations or contribution to any deferred compensation savings plan is subject to approval by the BET; and

IT IS FURTHER RESOLVED that any reorganization [that will]of a department (i.e. resulting in increases to the Town's pension [liability]obligations or contributions to any deferred compensation savings plan) shall be subject to approval by the [Board of Estimate and Taxation; and]BET; and [Appropriations]

IT IS FURTHER RESOLVED that any reclassification of a position that will result in an increase in salary and the Town's pension obligations or contribution to any deferred compensation savings plan shall be reported to the BET.

AND IT IS FURTHER RESOLVED that appropriations within each ~~[Department]~~department and activity shall be made on the basis of the following major object accounts with no further subdivision except for equipment and improvements:

- 100 - Personal Services
- 200 - Services Other Than Personal
- 300 - Supplies and Materials
- 400 - Maintenance
- 500 - Social Services
- 600 - Insurance
- 700 - Grants, Subsidies, Debt Service and Other Fixed Charges
- 800 - Refunds and Non-Expense Items
- 900 - Equipment and Improvements

The detailed object classifications supporting each one of the above appropriations within each ~~[Department]~~department as shown in the detailed budget recommendation, are set forth only for informative purposes~~[only]~~.

Expenditures for miscellaneous equipment not fully itemized shall be substantially for the object

shown.

All appropriations shall be committed by and payable upon the order of the [~~Head~~]head of the [~~Department, Chairman~~]department, chairman or [~~Secretary~~]secretary of [~~the Board, Official~~]a board or commission or person designated by [~~the Board~~]such board or commission, official, or by [~~Statute~~]statute for which or for whom the respective appropriations are made, except as may be, from time to time, determined by the [~~Board of Estimate and Taxation~~]BET.

Upon a motion made by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee voted 2-0-0 to approve the Budget Resolutions relating to the Table of Organization, as amended, and to recommend them to the Board of Estimate and Taxation as part of the FY2021-2022 budget. Motion carried.

c. COVID19 Resolutions

The Committee then reviewed the COVID19 Resolutions and the following changes were considered:

xx. COVID19 Reimbursements and Grants:

A. TOWN. The Town is authorized to apply for and accept reimbursement of funds pursuant to the Federal Coronavirus Aid, Relief and Economic Security Act (CARES Act), administered by the State of Connecticut Office of Policy and Management (OPM) through its Municipal Coronavirus Relief Fund (CRF) Program, and the American Rescue Plan Act (ARPA) to reimburse the Town for eligible expenses incurred in response to the COVID19 pandemic. The CRF and ARPA funds shall become appropriations that the Comptroller shall add to the appropriate accounts pursuant to guidance from the U.S. Treasury entitled, "Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments"; the OPM letter to municipalities, dated June 3, 2020; and any other reference materials provided by the U.S. Treasury or OPM to municipalities that may be present on their websites for the purpose of determining the eligible uses for such funds. The Town is also authorized to apply for and accept funds from the Federal Government and the State of Connecticut relating to COVID19 under legislation and/or regulations enacted in FY21 [~~relating to COVID19~~], and is authorized to apply for and accept funds under legislation and /or regulations related to COVID19 enacted in subsequent fiscal years, and such funds shall become appropriations upon approval of the Board of Estimate and Taxation; except that the funds received from ARPA shall become appropriations upon approval of the Board of Estimate and Taxation.

B. BOARD OF EDUCATION. The Board of Education (BOE) is authorized to apply for and accept grants made under the Elementary and Secondary School Emergency Relief Fund (ESSERF) for PreK to 12 education awarded by the U.S. Department of Education and administered by the Connecticut State Department of Education. The BOE must maximize any reimbursements from FEMA prior to the application by the Town for any eligible COVID19 expenses not reimbursed by FEMA but are eligible for reimbursement under the Federal Coronavirus Aid, Relief and Economic Security Act (CARES Act) administered by the State of Connecticut Office of Policy and Management (OPM) through its Municipal Coronavirus Relief Fund (CRF) Program, and the American Rescue Plan Act (ARPA). Any ESSERF/FEMA [~~and~~], CRF, and ARPA funds received by the Town shall become appropriations that the Comptroller shall add to the appropriate accounts pursuant to guidance from the U.S. Treasury entitled, "Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments"; the

OPM letter to municipalities, dated June 3, 2020; and any other reference materials provided by the U.S. Treasury or OPM to municipalities that may be present on their websites for the purpose of determining the eligible uses for such funds. The BOE is also authorized to apply for and accept funds from the Federal Government and the State of Connecticut relating to COVID19 under legislation and/or regulations enacted in FY21 [relating to COVID19], and is authorized to apply for and accept funds under legislation and/or regulations relating to COVID19 enacted in subsequent fiscal years, and such funds shall become appropriations upon approval of the Board of Estimate and Taxation; except that the funds received from ARPA shall become appropriations upon approval of the Board of Estimate and Taxation.

C. TOWN DEPARTMENT OF HEALTH. The Town's Department of Health is authorized to apply for and accept supplemental funding awards from the State of Connecticut Department of Public Health (DPH) for reimbursement of costs incurred in response to the COVID19 pandemic. The Town's Department of Health must maximize any reimbursements from DPH prior to the application by the Town for any eligible COVID19 expenses not reimbursed by DPH but are eligible for reimbursement under the Federal Coronavirus Aid, Relief and Economic Security Act (CARES Act), administered by the State of Connecticut Office of Policy and Management (OPM) through its Municipal Coronavirus Relief Fund (CRF) Program and the American Rescue Plan Act (ARPA). The DPH, [and] CRF, and ARPA funds shall become appropriations that the Comptroller shall add to the appropriate accounts pursuant to guidance from the U.S. Treasury entitled, "Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments"; OPM letter to municipalities, dated June 3, 2020; and any other reference materials provided by the U.S. Treasury or OPM to municipalities that may be present on their websites for the purpose of determining the eligible uses for such funds. The Town's Department of Health is also authorized to apply for and accept funds from the Federal Government and the State of Connecticut relating to COVID19 under legislation and/or regulations enacted in FY21 [relating to COVID19], and is authorized to apply for and accept funds under legislation and/or regulations relating to COVID19 enacted in subsequent fiscal years, and such funds shall become appropriations upon approval of the Board of Estimate and Taxation; except that the funds received from ARPA shall become appropriations upon approval of the Board of Estimate and Taxation.

D. THE NATHANIEL WITHERELL. The Nathaniel Witherell is authorized to apply for and accept reimbursement of funds pursuant to the Federal Coronavirus Aid, Relief and Economic Security Act (CARES Act), the Paycheck Protection Program (PPP) and Healthcare Enhancement Act distributed by the Health Resources and Services Administration (HRSA) through the CARES Act Provider Relief Fund (PRF) for healthcare related expenses or lost revenues attributable to COVID19, and the American Rescue Plan Act (ARPA). These funds shall become appropriations that the Comptroller shall add to the appropriate accounts pursuant to the ARPA, and/or according to the U.S. Department of Health and Human Services (HHS) guidance entitled "General and Targeted Distribution, Post-Payment Notice of Reporting Requirements," dated October 20, 2020 or any other reference materials provided by HHS to healthcare providers that may be present on the HHS website for the purpose of determining the eligible uses for such funds. The Nathaniel Witherell is also authorized to apply for and accept funds from the Federal Government and the State of Connecticut relating to COVID19 under legislation and/or regulations enacted in FY21 [relating to COVID19], and is authorized to apply for and accept funds under legislation and/or regulations enacted in subsequent fiscal years, and such funds shall become appropriations upon approval of the Board of Estimate and Taxation; except that the funds received from ARPA shall become appropriations upon approval of the Board of Estimate and Taxation.

E. TOWN CLERK AND REGISTRAR OF VOTERS. The Town Clerk's Office and Registrar of Voters are authorized to apply for and accept the Center for Tech and Civil Life (CTCL) COVID19 Response Grant to ensure that polling places in Greenwich are safe and secure and to provide protection of election officials and voters from COVID19 through the procurement of, among other things, protective equipment and personal disinfectant. The Town Clerk's Office and Registrar of Voters are also authorized to apply for and accept grants from the Connecticut Secretary of the State for COVID19 related and other election expenses, **and the American Rescue Plan Act (ARPA)**. These funds shall become appropriations that the Comptroller shall add to the appropriate accounts. The Town Clerk's office and Registrar of Voters are also authorized to apply for and accept funds from the Federal Government and the State of Connecticut relating to COVID19 under legislation and/or regulations enacted in FY21, and is authorized to apply for and accept funds under legislation and/or regulations relating to COVID19 enacted in subsequent fiscal years, and such funds shall become appropriations upon approval of the Board of Estimate and Taxation; except that the funds received from ARPA shall become appropriations upon approval of the Board of Estimate and Taxation.

d. Additional Considerations

The Committee noted that the Law Committee should review the Budget Resolutions for the subsequent fiscal years to determine whether or not each specific Resolution should remain in the budget.

Upon a motion made by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee voted 2-0-0 to approve the Budget Resolutions, as amended, and to recommend them to the Board of Estimate and Taxation as part of the FY2021-2022 budget. Motion carried.

2. Executive Session

The Committee reconvened to enter an Executive Session on a virtual platform 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 4:32 p.m.

Upon a motion made by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee exited the Executive Session at 5:09 p.m.

The Committee exited the Executive Session.

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