

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

Wednesday, May 5, 2021  
Virtual Meeting

Committee: Karen Fassuliotis, Chair; Elizabeth K. Krumeich

Legal Staff: Fernando de Arango, Assistant Town Attorney; Valerie Maze Keeney, Assistant Town Attorney; Abby Wadler, Assistant Town Attorney

BET: Michael Mason, Chair; Leslie Moriarty; Jeffrey Ramer; and Leslie Tarkington

Town Attorney: Barbara M. Schellenberg, Acting Town Attorney, Member, Marino, Zabel & Schellenberg (MZS); Timothy Herbst, Member, MZS; Dennis Kokenos, Member, MZS

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

1. 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 Meetings of the Law Committee held on March 11, 2021, and April 7, 2021, respectively. Motion carried.

2. COVID-19 Update

Acting Town Attorney Schellenberg reported that most of the staff in the Law Department are in the office on a regular basis and there are still some members of the staff working remotely. Masks are still expected to be used by all in Town Hall. There is a review taking place as to the requirements for Town employees and the public to use conference rooms in Town Hall.

3. Claims Against the Town

Attorney Wadler discussed claims brought by a family seeking support for a student under the Special Education Program. Attorney Keeney reviewed a claim brought by an employee of The Nathaniel Witherell and another claim brought by an employee of the Board of Education. Attorney de Arango reviewed several new property damage claims brought against the Town, as well as personnel matters that may give rise to legal actions.

4. Remote Workers

The Acting Town Attorney advised the Committee that pursuant to a conference she held with the First Selectman, Town department heads may decide when employees may work remotely. Department heads have been instructed to ensure that at least

one day a week all department employees must be in the office at the same time, and employees may rotate their schedules on other days depending on the needs to the department. These arrangements will remain in place until May 20, 2021, when the Governor is expected to lift certain COVID-19-related restrictions for Connecticut residents and workers under various Executive Orders.

#### 5. Town Budget Approvals

The Committee reviewed Article 2, Section 25 of the Town Charter which states that if the Representative Town Meeting (RTM) fails to take action on or before May 15 on an appropriation or appropriations recommended by the Board of Estimate and Taxation (BET) to the RTM, then such appropriation or appropriations shall be deemed to be the appropriations for the ensuing fiscal year. According to the RTM Moderator, if the RTM members fail to approve the budget submitted by the BET to the RTM for Fiscal Year 2021-2022 Operating and Capital Budget for the Town of Greenwich (the Budget) following the RTM's review and votes on the Budget, the Budget will revert to the budget as presented by the BET to the RTM. The Acting Town Attorney reviewed Section 25 and opined that if the RTM fails to take action, then that will be deemed to be an affirmative vote to say no to the appropriations. The concept of the RTM's failure to take action (and what that actually means) is still one that Town officials have expressed differing opinions on.

#### 6. Executive Session to Discuss Pending Litigation

The Committee reconvened to enter an Executive Session on a separate 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 3:25 p.m.

Upon a motion made by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee exited the Executive Session at 4:26 p.m.

The Committee exited the Executive Session

#### 7. Adjournment

Upon a motion made by Ms. Krumeich, seconded by Ms. Fassuliotis, the Committee voted unanimously to adjourn the meeting at 4:27 p.m. Motion carried.

Respectfully submitted,

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Elizabeth K. Krumeich  
Recording Secretary

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Karen Fassuliotis  
Chair, Law Committee