TOWN OF GREENWICH
BOARD OF ESTIMATE AND TAXATION
LAW COMMITTEE SPECIAL MEETING
MINUTES

Monday, March 5, 2018
Law Department Conference Room

Committee: Elizabeth K. Krumeich, Chair; Karen Fassulioti
Board: Jill Oberlander, Chair; Leslie Tarkington
Other: Aamina Ahmad, Assistant Town Attorney; Greg Hannigan, Director, General Services Division, Police Department (by phone); Peter Mynarski, Comptroller

The meeting was called to order at 9:00 A.M.

1. Review of Budget Resolutions

Harbor Management Commission – Attorney Ahmad advised the Committee that the budget resolution relating to the Harbor Commission is currently required and related to the recently-adopted Harbor Management Plan. It is consistent with the resolution for the Parks and Recreation resolution.

Proposed Resolution relating to Bond Maturities – Resolution proposed by a BET member under which the Comptroller would be given authority to determine bond maturities for the Town of Greenwich's borrowing based on the useful life of an asset and various economic circumstances was discussed. The issue was raised as to what “appropriate factors” and "then current economic circumstances" means. Mr. Mynarski indicated that the Resolution should be proposed as part of the Bonding Resolution and should not be a part of the Grants and Other Receipts section of the Resolutions. The Committee deferred voting on this item.

Police Department Resolution – The Police Department is asking for a new Resolution specific to the source of funds received by the Police under CGA Secs 14-12, 14-251, 252, 253a and 14-305; 14-308. The Committee called Greg Hannigan to request further clarification of the proposed Resolution. Mr. Hannigan indicated that the Police were using these funds to supplement the training costs that were already included in the budget. The funds are specific to training and not meant to offset traffic enforcement. The intent was to be specific to the source of the funds received by the Town over the years. In the last several years the Police Department sought BET approval to use funds as a match for grants. Last year it was suggested that such use of funds would require approval from the RTM. The question was asked whether the Police Department was actually budgeting for revenue and, if it were, whether or not the BET should reduce the budget for revenues and redirect these funds to the Police Department for training and increased operating costs. Mr. Hannigan agreed that if the Resolution was approved, the reduction in revenue and redirection of these funds would be the correct procedure.
Indemnification Resolution – Attorney Ahmad, explaining that Attorney McLaughlin was in court, discussed whether it would be in legal order for the Law Committee to approve this proposed Resolution in which the BET would agree to indemnification terms related to a permit and encroachment agreement being entered into by the Department of Public Works with the State of Connecticut. The Committee had previously been advised that the State was not accepting revisions to the indemnification provisions which had been accepted on a similar agreement in the past. Instead, the State indicated that the Town of Greenwich should revise its Town Charter to allow for the Town to accept the indemnification provisions required by the State. Attorney McLaughlin had suggested the proposed language in lieu of revising the Town Charter. He is continuing to negotiate this legal issue with the State. Additionally, it is still not clear as to what level of insurance would be required by the State in support of the indemnification provision. The Committee inquired as to the cost of the project and the level of risk of a force main break on the easement.

Department of Public Works Resolution – The Department of Public Works seeks authorization to be able to accept proceeds from inspection costs for inspections carried out outside of regular work hours for special events. The Comptroller indicated that this Resolution parallels what the Parks and Recreation Department does with their revenue. Mr. Mynarski noted that the Board of Education does not budget revenues while Department of Parks and Recreation does budget revenue. It was suggested that the BET should look at the process for consistency between the Board of Education, Department of Public Works and Parks and Recreation Department as to revenue and permitting fee structures.

The Committee voted 2-0-0 to accept this Resolution, but added that it will recommend that the BET add this as part of the discussion of the budgeting process for next year and, in particular, the budget guidelines for FY19-20.

It was proposed that the following language be added to the DPW Resolution: "The Department of Public Works shall submit an annual report to the BET itemizing these proceeds. "It was also proposed that the Resolution include the following language: " provided that such cost shall not exceed proceeds in any fiscal year."

Board of Education Non-Federal and Non-State grants – The Committee was informed that the grant funds received by the Board of Education are placed in its grant account and that grants reflect funding received for a specific purpose. There has been an informal agreement with the BET if it is over the major object code (MOC). The grants are accepted outside of the budget and the BOE would like to reduce the accounting burden placed on its staff. The Committee discussed the request of the Board of Education to have the Resolution apply to grants up to $25,000. The Committee discussed the limit of $25,000 versus $5,000 and agreed that the subject should be reviewed as part of future BET budget discussions because there were many sections of the Town Charter and Ordinances which reflected a $5,000 limit. The Committee also raised a concern about whether such grants would be accepted pursuant to the Board of Education's policy on grant and gifts.

The Committee agreed to specify in the proposed resolution that the non-federal grants shall comply with all Town and Board of Education policies and procedures, including the BOE Gifts Policy, and that the Board of Education shall submit to the Comptroller and the Board of Estimate and Taxation an annual report itemizing these grants.
Reports Required in the Resolutions – The Committee will compile a list of Resolutions requiring reports to be submitted to the BET and request the reports from the applicable departments.

2. New Business

The Committee did not consider any new business.

Adjournment

The Committee adjourned at 11:23 AM.

Karen Fassuliotis, Recording Secretary

Elizabeth K. Krumeich, Law Committee Chair