



**TOWN OF GREENWICH
BOARD OF ESTIMATE AND TAXATION
LAW COMMITTEE
REGULAR MEETING MINUTES
Tuesday, March 15, 2022**

- Committee:** Karen Fassuliotis, Chair, Stephen Selbst, Member
- Law Department:** Barbara Schellenberg, Town Attorney; Aamina Ahmad, Assistant Town Attorney
- BET:** Leslie Tarkington
- Departments:** Megan Damato, Risk Manager; Jim Michel, Deputy Commissioner, Department of Public Works
- Commissions:** Margarita Alban, Chair, P&Z Commission
- Other:** Joann Messina, Executive Director, Greenwich Tree Conservancy

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

1. Executive Session.

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to go into executive session.

Upon a motion made by Ms. Fassuliotis, seconded by Mr. Selbst, the Committee exited the Executive Session at 11:08 a.m.

The Committee exited the Executive Session.

2. Potential Post Road Tree Plantings

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to consider the Post Road tree plantings out of order. Motion carried.

In attendance for this discussion were Joann Messina, Executive Director of the Greenwich Tree Conservancy, Jim Michel, Deputy Commissioner, Greenwich Department of Public Works, Margarita Alban, Chair, Greenwich Planning and Zoning Commission, and by telephone, Megan Damato, Risk Manager, Town of Greenwich, Aamina Ahmad, Law Department.

Ms. Damato explained that the proposed Post Road tree planting program would be covered by the Town's insurance, but that the policy would not provide first dollar coverage. She advised that a separate policy providing first dollar coverage would cost between \$235-\$255 per year, but if the Town's self-insured retention was increased, the premium for the first dollar coverage would increase. Ms. Damato explained that once the project was over the insurance would wrap into the town's overall insurance for liability. The cost for that insurance would be approximately \$2,500 per year in perpetuity (which will naturally escalate over time).

There was a brief discussion of the Town's recent history regarding tree claims, which are a mixture of property and personal injury claims. Attorney Ahmad said that although various factors impact the severity of the claims, most do not present significant damage exposure. Ms. Alban explained that the proposed Post Road tree planting program would primarily involve ornamental trees, which are relatively small. Their small size would likely lead to less risk exposure, she said, because there was less risk of interference with power lines and even if a tree limb fell, it would cause less damage.

Attorney Ahmad said that in connection with the proposed Post Road tree planting program, the State of Connecticut requires that the Town indemnify the State in accordance with State policy. The agreement would also obligate the Town to maintain the trees planted in the State's right-of-way.

There followed a discussion that the Department of Public Works would also be seeking approval for an indemnity agreement with the State for a portion of the Cardinal Stadium improvements at Greenwich High School.

Mr. Michel said that he would contact the State to get the form of indemnity agreement that the State would require. The parties agreed that approval of the indemnity agreement would be deferred until after the Board of Estimate and Taxation and the Representative Town Meeting approved the indemnity agreement for the Cardinal Stadium project.

Mr. Michel said he would get the planting and maintenance agreement from the State by the end of the week, following which the Law Department would review it and the quote on the insurance would be formalized. The Law Committee would then review and approve the proposal.

When those items were assembled, a package of supporting documents would be prepared and submitted to the Office of First Selectman for review. After approval by the Office of First Selectman, the proposal would be placed on the BET agenda for approval.

3. Old Business

COVID19 Update. Ms. Schellenberg reported that the several employees of the Law Department had been exposed to COVID-19, but that there had been no disruption of operations. A remote schedule for employees has now become permanent, per Town policy.

Year to Date Budget. Ms. Schellenberg reported that she continued to monitor outside counsel fees and expenses. She said that those fees could decrease if some of the Town's pending claims were settled or otherwise resolved. She also said that she would advise the Law Committee by May if there would be a need for a supplemental authorization for the current fiscal year.

4. Approval of Minutes

February 14, 2022 - Regular Meeting. Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to approve the minutes of the February 14, 2022 regular meeting. Motion carried.

February 24, 2022 – Special Meeting. approve the minutes of the February 24, 2022 special meeting. Motion carried.

5. Recent Court Filings

CHRO Case #2220215 – Shamain Johnson v. Town of Greenwich Board of Education. Ms. Schellenberg advised the Law Committee that Shamain Johnson, a Board of Education employee has brought an action before the Connecticut Commission on Human Rights and Opportunities alleging that she was discriminated against on the basis of her race and age. The CHRO complaint also names several Town employees as additional defendants. Ms. Schellenberg advised that Attorney Michael Lynch of Lynch Law Group has been retained to handle this case.

Dylewsky v. Town of Greenwich. Ms. Schellenberg advised the Law Committee that William Dewey has filed an action against the Town of Greenwich arising from injuries he allegedly sustained in a fall at or near the intersection of Delavan Avenue and Mead Avenue. Attorney De Arango of the Law Department will be handling this matter.

5. Adjournment.

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to adjourn the meeting at 12.06 p.m. Motion carried.

Respectfully submitted,



Stephen Selbst, Recording Secretary



Karen Fassuliotis, Chair, Law Committee