



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

**Wednesday, April 13, 2022**

**Committee:** Karen Fassuliotis, Chair, Stephen Selbst  
**Town Attorney:** Barbara Schellenberg  
**Law Department:** Aamina Ahmad, Valerie Maze Keeney, Abby Wadler  
**BET:** Dan Ozizmir, Jeffrey Ramer, Leslie Tarkington  
**Town Departments:** Demetria Nelson, Commissioner, Human Services

The Chair called the meeting to order at 3.04 P.M.

**1. Approval of Minutes**

March 15, 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 March 15, 2022 regular meeting. Motion carried.

**2. Old Business**

COVID19 Update. Ms. Schellenberg reported that there were no material changes since her last report. 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.

Ms. Fassuliotis noted that certain members of the Representative Town Meeting had expressed concern recently about the costs of outside counsel. Mr. Ramer

questioned whether it was efficient for outside counsel to handle tax appeals. Ms. Schellenberg said that she was reviewing the question, but believed it was appropriate to use outside counsel for this purpose.

### **3. Proposed Resolution**

Upon motion made by Ms. Fassuliotis and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to take up the request for a resolution for the proposed settlements of opioid litigation in which the Town is a participant.

Assistant Town Attorney Keeney and Commissioner Nelson, Commissioner, Human Services, explained that on December 23, 2021, the Board of Selectmen had approved the Town's participation in two nationwide settlements to resolve opioid litigation against three pharmaceutical distributors, McKesson, Cardinal Health and Amerisource Bergen, and manufacturer Janssen Pharmaceuticals, a subsidiary of Johnson & Johnson. The actions are pending as *In re National Prescription Opiate Litigation*, case 17-MD-2804 in the United States District Court for the Northern District of Ohio.

Under the Janssen settlement agreement, funds may be available as early as 2022 and will continue for seven years thereafter. Payments under the settlement with the distributors may continue for as long as eighteen (18) years. Under the settlement agreements, the use of funds is limited to specific purposes to address opioid addiction and treatment. Ms. Keeney circulated draft resolutions approving the settlements to the Law Committee.

Ms. Keeney and Commissioner Nelson advised the Law Committee that they did not know whether the distributor settlement or the Janssen settlement had been approved by the court overseeing the litigation. They also advised the Law Committee that she did not know the amounts the Town would receive under those settlements. Commissioner Nelson said it was likely that they would receive one payment in FY23. When asked, she also stated that it would not delay receipt of funds if the first payment went through the normal approval processes of approval by the BET and the RTM. It was suggested that the Resolution was likely premature as details of the settlement and payments were not known. After further discussion, the Law Committee determined not to take further action on the resolution relating to this matter at this time. Commissioner

### **4. 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 at 3.22 P.M.

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to exit executive session at 3.35 P.M.

**5. New Business**

The Law Committee considered a revision to fiscal year resolution 53b proposed by Mr. Ramer which provided, in substance, that the spending of any funds received by the Board of Education under the legislation commonly referred to as ESSER III (Elementary and Secondary School Emergency Relief Fund), would not be subject to approval of the Board of Estimate and Taxation. Mr. Ramer contended that the Board of Education acted as an agency of the State of Connecticut for purposes of administering these funds and that the BET had no legal authority to approve or disapprove any funds granted to the Board of Education under ESSER III. Ms. Fassuliotis disagreed, contending that the BET had jurisdiction because the Board of Education was a department of the Town of Greenwich. Town Attorney Schellenberg and Assistant Attorney Ahmad both stated that Resolution was consistent with past practice and past opinions by prior Town Attorneys. Ms. Schellenberg stated that the BET was free to change the Resolution but the BET did not have to change it. No action was taken on Mr. Ramer's proposal.

**6. Recent Court Filings**

Ms. Schellenberg that an OCA complaint had recently been filed against the Town. She said she would have further information at the next meeting of the Law Committee

**7. Adjournment.**

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to adjourn the meeting at 4.16 p.m.

Respectfully submitted,



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Stephen Selbst, Recording Secretary



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Karen Fassuliotis, Chair, Law Committee