MINUTES of the regular meeting of the Board of Estimate and Taxation held on Monday, May 18, 2015 in the Town Hall Meeting Room, Greenwich, CT.

Chairman Michael Mason called the meeting to order at 7:03 P.M., after which the members pledged allegiance to the flag.

Board members in attendance:

Michael S. Mason, Chairman
Arthur D. Norton, Vice Chairman
William Drake, Clerk
John Blankley
William R. Finger
Sean Goldrick
Randall Huffman
Marc V. Johnson
Mary Lee A. Kiernan
Jeffrey S. Ramer
Leslie L. Tarkington
Nancy Weissler

Staff: Peter Mynarski, Comptroller; Roland Gieger, Budget Director; Lauren Elliott, Assessor; Robert Shipman, Assistant Assessor; Allen Brown, Executive Director, Nathaniel Witherell; Gene McLaughlin, Ass't Town Attorney; Peter Siecienski, Fire Chief

Selectmen: Peter Tesei, First Selectman

Other: David Ormsby, Chairman, Friends of Nathaniel Witherell

Mr. Mason opened the meeting by welcoming the Board Members and guests. He asked Mr. Drake to present the Routine Applications for appropriations.

**ROUTINE APPLICATIONS**

<table>
<thead>
<tr>
<th>HD-7</th>
<th>Health</th>
<th>Approval to Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>$500</td>
<td>F4038 52240</td>
<td>Telephone for Patient Monitoring</td>
</tr>
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</table>

Upon a motion by Mr. Drake, seconded by Mr. Johnson, the Board voted 12-0-0 to approve the application.

<table>
<thead>
<tr>
<th>PD-10</th>
<th>Police</th>
<th>Approval to Accept</th>
</tr>
</thead>
<tbody>
<tr>
<td>$53,508</td>
<td>F213 53520</td>
<td>Radios</td>
</tr>
</tbody>
</table>

*BET Meeting Minutes May 18, 2015 – Approved*
Upon a motion by Mr. Drake, seconded by Mr. Johnson, the Board voted 12-0-0 to approve the application.

**PD-10**  
Police  
$11,901  
F213 53550  
Approval to Accept Supplies

Upon a motion by Mr. Drake, seconded by Mr. Johnson, the Board voted 12-0-0 to approve the application.

**PL-1**  
Perrot Library  
$20,000  
A710 54020  
Transfer Snow and Ice

Upon a motion by Mr. Drake, seconded by Mr. Johnson, the Board voted 12-0-0 to approve the application.

**FD-2**  
Fire  
$100,000  
A201 52210  
Transfer Water Rate Increase

Upon a motion by Mr. Drake, seconded by Mr. Johnson, the Board voted 12-0-0 to approve the application.

**FD-3**  
Fire  
$7,098  
A204 5310  
Approval to Accept Teaching Supplies

Upon a motion by Mr. Drake, seconded by Mr. Johnson, the Board voted 12-0-0 to approve the application.

**NON-ROUTINE APPLICATIONS**

**SE-10**  
First Selectman  
$50,000  
P935 57350  
Additional Appropriation Settlement – Lefler v. TOG

Mr. Ramer commented that the Law Committee had spoken with Mr. McLaughlin for guidance on a prudent settlement range for the action. He indicated that BET members had been present in the Budget Committee’s Executive Session discussion and asked if the Board required another Executive Session. Hearing no request, Mr. Johnson noted that the Budget Committee had voted 4-0 in favor of approving the application.

Upon a motion by Mr. Drake, seconded by Mr. Johnson, the Board voted 12-0-0 to approve the application.

**PW-3**  
Public Works  
$670,586  
A312 52240  
Additional Appropriation Snow & Ice Removal Expense

Mr. Tesei spoke in favor of the application citing DPW’s Highway Department response to the winter season’s snow removal and ice control. He thanked the department for its support of the town and recommended approval of the application.

Mr. Johnson commented that the Budget Committee had voted 4-0 in favor of the application.
Upon a motion by Mr. Drake, seconded by Mr. Johnson, the Board voted 12-0-0 to approve the application.

NW-3  Nathaniel Witherell  Transfer
$88,432  F4038 52240  Maintenance

Mr. Johnson described the Budget Committee concern that standard operating procedure had not been followed in resolving the remediation of an oil leakage emergency. Although the Budget Committee voted 4-0 in favor of the application, he noted that Nathaniel Witherell had already spent funds rather than requesting an interim appropriation. Mr. Ramer asked for a confirmation in writing from the environmental remediation vendor that it was acceptable to abandon the oil tank as remediated. Ms. Tarkington expressed surprised that although the remediation took place in December, despite Nathaniel Witherell’s recent four appearances before the Budget Committee, no mention of the future application for transfer from operating funds had been made. Mr. Mason commented that charter policy requiring prior authorization before spending deserved to be followed rigorously.

Upon a motion by Mr. Johnson, seconded by Mr. Norton, the Board voted 9-3-0 to approve the application. (Opposed: Mason, Drake, Tarkington)

FD-4  Fire  Release of Condition
$457,080  A205 51100  Overtime - MOU

Mr. Johnson commented that although the Budget Committee had voted 4-0 for the release of condition on the quarter’s Overtime funds, after more than one year of withholding funds to monitor the progress of signing and implementing an MOU, it was still not in place. Although the Board agreed that progress was evident, it encouraged the career and volunteer firefighters to complete the process.

Upon a motion by Mr. Johnson, seconded by Ms. Tarkington, the Board voted 11-0-1 to remove the condition to release. (Abstain: Blankley)

ASSESSOR’S REPORT

Ms. Elliot presented the Department’s Report and commented that the number of seniors applying for the Tax Relief Program was fewer than in previous year leaving a small positive balance in the budget item. She indicated that four additional tax appeals had been settled, and noted that the ReVal residential review had begun.

A discussion of the impact of the Board of Assessment Appeals settlements on FY16 Revenue took place and Ms. Elliot was asked to follow-up with additional information by email.

Upon a motion by Ms. Tarkington, seconded by Mr. Ramer, the Board voted 12-0-0 to accept the Assessor’s report.

COMPTROLLER’S REPORT

Mr. Mynarski updated the Board on progress toward developing fund balance and debt policies for its June meeting; he also reviewed Risk Management insurance contract renewals that would be completed by the June 20, 2015 deadline. Ms. Weissler commented that the ADP
Project’s Steering Committee was awaiting the Geneva consultant’s report on the implementation, which was expected within the next week.

Upon a motion by Mr. Mason, seconded by Ms. Tarkington, the Board voted 12-0-0 to accept the Comptroller’s report.

**ACCEPTANCE OF THE TREASURER’S REPORT SHOWING INVESTMENT PORTFOLIO ACTIVITY FOR JANUARY 2015**

Upon a motion by Mr. Norton, seconded by Mr. Finger, the Board voted 12-0-0 to accept the Treasurer’s report.

**BET Standing Committee Reports**

**Audit Committee** – postponed until June 16, 2015 Meeting awaiting additional information.

**BET Liaison Reports**

None

**BET Special Project Team Reports**

**MISA** - Ms. Tarkington submitted a written report on MISA progress and asked if a tour for BET members could be arranged before the facility was fully furnished and equipped in July.

**N.W. Building Committee** – Mr. Norton reported that Eversource would be purchasing Nathaniel Witherell’s historic tax credit directly which would return $950k to TOG’s Capital Non-Recurring Budget funds and the balance would be applied toward TOG debt.

**NEW BUSINESS**

Approval of salaries for the Town’s Elected Officials – Ms. Weissler read the following Resolutions:

RESOLVED: That the salary for the First Selectman shall be $136,486 (2.0% increase) effective December 1, 2015 and $139,216 (2.0% increase) effective December 1, 2016. Salaries for the Selectman shall be $13,649, effective December 1, 2015 and $13,922 December 1, 2016.

Upon a motion by Ms. Weissler, seconded by Mr. Ramer, the Board voted 12-0-0 to approve the Resolution.

RESOLVED: That the salary for the Town Clerk shall be $98,003 (2.0% increase) effective January 1, 2016 and $99,963 (2.0% increase) effective January 1, 2017.

Upon a motion by Ms. Weissler, seconded by Mr. Ramer, the Board voted 12-0-0 to approve the Resolution.

RESOLVED: That the salary for the Tax Collector shall be $98,003 (2.0% increase) effective January 1, 2016 and $99,963 (2.0% increase) effective January 1, 2017.
Mr. Finger made a motion to amend the Resolution by changing the salary to $40,000. Mr. Ramer seconded the motion.

Commenting that he had made a similar motion both 2 and 4 years ago, Mr. Finger noted that Tax Collector was an elected position and unlike the Assessor position which by Town Charter requires the Assessor to be certified as a Connecticut municipal assessor and possess the skills and experience appropriate to carry out the duties of an assessor as shown either by evaluation or an examination, there were no requirements that needed to be met in order for someone to assume the elected duties and powers of Tax Collector. He remarked that it was a disservice to the town that no effort had been made to adjust the charter and therefore recommending reducing the salary from approximately $100k plus benefits to $40k to reflect the lack of required certification or skills for the Tax Collector position. Mr. Finger did note that it is his understanding the current Tax Collector received certification at some point during his several terms in office. Mr. Ramer proposed that the matter should not be dealt with during an election year, but through a dialogue to reach consensus without a political overtone. Mr. Huffman encouraged movement toward TOG’s Tax Collector position being filled by an appointed professional. Ms. Weissler and Ms. Kiernan commented that the HR Committee had explored practices in peer communities and found that larger communities had an appointed position. Mr. Mason reminded the Board that the RTM had voted down changing the position from an elected to an appointed one. He remarked that reducing the salary would not solve the need to engage the BOS and RTM in the process of recommending a charter change.

Upon a motion by Mr. Finger, seconded by Mr. Ramer, the Board voted 5-7-0 to approve the amendment. Amendment failed. (Opposed: Goldrick, Mason, Norton, Drake, Johnson, Tarkington, Weissler)

Upon a motion by Ms. Weissler, seconded by Ms. Tarkington, the Board voted 9-3-0 to approve the Resolution as read by Mr. Drake. (Opposed: Finger, Huffman, Kiernan)

- Approval of Mill Rates for the 2015-2016 Fiscal Year

General Fund – Mr. Drake proposed the following RESOLUTION:

RESOLVED: That a tax at the rate of 11.271 Mills on the dollar be and the same is hereby levied and laid upon the Assessment List of the Town of Greenwich last completed, as the Tax for said Town’s General Fund for the succeeding Fiscal Year to wit: for the Fiscal Year July 1, 2015 through June 30, 2016. RESOLVED: that the Chairman and Clerk of the Board of Estimate and Taxation shall forthwith file a certificate of the levying and laying of such tax with the Town Clerk, who shall record such certificate in the Town Meeting record book, and obtain a receipt from the Town Clerk that this has been done.

After a motion by Mr. Norton, seconded by Ms. Tarkington, the Board began a discussion on how to reflect the impact of the Board of Assessment Appeals settlements on TOG’s FY16 revenues (an impact of $390,000. The Board discussed the use of fund balance to substitute for the decrease in tax revenue resulting from this impact.

Ms. Kiernan proposed an amendment to the resolution that would decrease the proposed mill rate to 11.192 mills by using $2.44 million from the fund balance projected for the end of the fiscal year. She commented that this option involved less taxing and would use a modest increase in the amount of fund balance already proposed to help finance the budget. She explained that the First Selectman and Budget Committee financed the budget without another
increase in the tax levy for capital projects, and the modest use of fund balance would reduce the mill rate to the increase of 2.75% voted on by the full BET to the increase of 2.03% offered by the Budget Committee. She stated that rating agencies and the BET's Fund Balance Policy targeted fund balance as a percentage of the budget in a range of 5-10%. Ms. Kiernan noted that on a GAAP basis, fund balance would decrease from $38.5 million (9.73%) to $36.1 million (9.12%), and on a budgetary basis, fund balance would decrease from $36.7 million (8.92%) to $34.2 million (8.32%) with her proposal. Mr. Goldrick pointed out that he and Mr. Huffman had suggested an increased use of fund balance the previous year and the FY16 First Selectman's budget suggested using an additional $3 million of the fund balance. Mr. Ramer indicated his support for reducing the fund balance to 8.3% of the budget if the tax increase was lowered to 2.03%. Ms. Weissler noted that the Town's contribution to its OPEB fund, using fund balance, had increased substantially. She asked the Board to consider the future impact of liabilities such as the GHS remediation, which have not yet been quantified. Mr. Drake said that it was not in the interest of the Town or its taxpayers to spend down the Town's cash reserves, while simultaneously obliging the taxpayer for additional borrowing. He indicated that these are the strategies of a government in difficulty, and Greenwich was not in difficulty. Mr. Finger countered that precedent was being set by using fund balance for OPEB funding and offsetting the BAA gap, and that borrowing was not part of the motion proposed by Ms. Kiernan. Ms. Tarkington would not support the amendment because of her concern about the record number of capital projects, need for soil remediation and scrutiny by rating agencies of TOG's increasing level of debt. Mr. Goldrick noted that Greenwich's real estate was a stable funding source and that therefore there was no need to accumulate a higher fund balance.

Upon a motion by Ms. Kiernan to amend the mill rate to 11.192, seconded by Mr. Finger, the Board voted 6-6 to approve the amendment. Motion failed. (Opposed: Mason, Norton, Drake, Johnson, Tarkington, Weissler)

Upon the original motion by Mr. Norton to set the mill rate at 11.271 mills, seconded by Ms. Tarkington, the Board voted 7-6-0 to approve the General Fund Tax mill rate. (Opposed: Finger, Goldrick, Huffman, Kiernan, Ramer, Blankley)

- **Sewer Maintenance Fund** – Mr. Drake read the following RESOLUTION:
  **RESOLVED:** That a tax at the rate of 0.546 Mills on the dollar be and the same is hereby levied and laid upon the Assessment List of the Town of Greenwich last completed, as the Tax for said Town's Sewer Maintenance Fund for the succeeding Fiscal Year to wit for the Fiscal Year July 1, 2015 through June 30, 2016. **RESOLVED:** that the Chairman and Clerk of the Board of Estimate and Taxation shall forthwith file a certificate of the levying and laying of such tax with the Town Clerk, who shall record such certificate in the Town Meeting record book, and obtain a receipt from the Town Clerk that this has been done.

  Upon the original motion by Mr. Norton, seconded by Ms. Tarkington, the Board voted 12-0-0 to approve the Sewer Maintenance Tax mill rate.

Mr. Ramer expressed concern that the outcome of the BAA settlements might require a change to the mill rate applicable to the Sewer Maintenance Fund. Ms. Tarkington volunteered to seek clarification of the issue.

- **Sewer Improvement Fund** – Mr. Drake read the following RESOLUTION:
  **RESOLVED:** That a tax at the rate of 0.047 Mills on the dollar be and the same is hereby levied and laid upon the Assessment List of the Town of Greenwich last completed, as the Tax for said
Town’s Sewer Improvement Fund for the succeeding Fiscal Year to wit for the Fiscal Year July 1, 2015 through June 30, 2016. **RESOLVED:** that the Chairman and Clerk of the Board of Estimate and Taxation shall forthwith file a certificate of the levying and laying of such tax with the Town Clerk, who shall record such certificate in the Town Meeting record book, and obtain a receipt from the Town Clerk that this has been done.

Upon the original motion by Mr. Norton, seconded by Ms. Tarkington, the Board voted 11-1-0 to approve the Sewer Maintenance Tax mill rate. (Opposed: Huffman)

- **OPEB Trust Board Vacancy** - Mr. Drake explained that the OPEB Trust Board would experience a vacancy at the close of FY15 due to one of its members moving from Greenwich. He remarked that the Investment Advisory Committee would be interviewing candidates and invited members of the BET to assist in recruiting applicants for the volunteer position.

- **Approval of McGladrey LLC to Audit the Town of Greenwich Financial Statements for the Year Ending June 30, 2015** – vote postponed until June 15, 2015 BET meeting.

**OLD BUSINESS**

Mr. Norton and Ms. Kiernan attended the annual Silver Shield Awards ceremony.

**Approval of the BET Meeting Minutes**

**Approval of the Meeting Minutes of the Public Hearing March 17, 2015**

Upon a motion by Ms. Tarkington, seconded by Mr. Johnson, the Board voted 12-0-0 to accept the Public Hearing Meeting Minutes March 17, 2015.

**Approval of the Meeting Minutes of Decision Day March 19, 2015**

Mr. Drake read several modifications to the Decision Day minutes which were identified by Ms. Tarkington. Upon a motion by Mr. Johnson, seconded by Ms. Tarkington, the Board voted 12-0-0 to accept the Decision Day Meeting Minutes of March 19, 2015, as modified.

**Approval of the Regular BET Meeting Minutes April 20, 2015**

Upon a motion by Mr. Johnson, seconded by Ms. Tarkington, the Board voted 12-0-0 to accept the Decision Day Meeting Minutes of April 20, 2015.

**CHAIRMAN’S REPORT**

Mr. Mason commented that it was impressive that the RTM passed the FY16 Budget without any changes. He thanked the Finance Department staff for their assistance and Board members for their dedicated participation. He remarked that he had attended training at the new Firefighter Training Center and found the facility and firefighters’ exercises to be very
impressive. He reminded the Board that the next meeting would include review of the FY closeouts and transfers as well as a review of the OPEB Funding Policy and Debt and Fund Balance policies.

ADJOURNMENT

Upon a motion by Mr. Blankley, seconded by Ms. Weissler, the Board voted 12-0-0 to adjourn at 8:50 P.M.

The next Regular Meeting of the BET is scheduled on Monday, June 15, 2015 in the Town Hall Meeting Room at 6:30 P.M.

Respectfully submitted,

[Signature]
Catherine Sidor, Recording Secretary

[Signature]
William Drake, Clerk of the Board

[Signature]
Michael S. Mason, Chairman