



MINUTES of the Special Meeting of the Board of Estimate and Taxation held on Wednesday, August 3, 2016 in the Town Hall Meeting Room, Greenwich, CT.

Chairman Michael Mason called the meeting to order at 8:00 A.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, by phone
Mary Lee A. Kiernan
Elizabeth K. Krumeich, by phone
James A. Lash
Leslie Moriarty
Jill K. Oberlander
Jeffrey S. Ramer
Leslie L. Tarkington
Nancy Weissler

Staff: Peter Mynarski, Comptroller; Captain Mark Kordick, Police Department, Barbara Heims, Office of the First Selectman

Other: First Selectman Peter J. Tesei (by phone), Selectman John Toner, John Wayne Fox, Town Attorney, Ken Borsuk, Reporter, Greenwich Time

Mr. Mason opened the meeting by welcoming the Board Members and guests. He noted that the Board had been advised that electronic voting was permitted under the Freedom of Information Act, and he had been so advised by Attorney Wayne Fox. He noted that he would rule that electronic voting therefore be allowed today. He noted that his ruling applied to this meeting only. For the record, he noted that he did not support electronic meeting / voting for the Board's regular meetings, but would support this for a special single item meeting, such as today's. He also noted that the Policy and Procedure Committee is charged with drafting a policy to formally adopt going forward.

Ms. Kiernan interpreted the Board's policies and procedures to say that the Board meets in the Town Hall Meeting Room only. She noted that in the absence of a specific procedure for off-site voting, the rule defaults to not allowing it. She noted that the Board has no specific rule allowing telephone or proxy voting.

Mr. Ramer cited Chapter 9 of Robert's Rules, which provides that a proper meeting is a single meeting with a quorum, in one place. He noted that the Board's procedures were not on today's

agenda.

Ms. Oberlander noted that Robert's Rules allowed small boards of up to 12 persons certain flexibility in these matters. She noted that full deliberation is a fundamental objective of Robert's Rules, and that telephone discussion is allowed, and that the Board's deliberation today with members by phone is consistent with the fundamental objective of Robert's Rules.

Mr. Norton referred to Robert's Rules regarding standing rules, which can be adopted at any meeting, which would allow today's phone deliberations.

Attorney Wayne Fox noted that the Board was deliberating on phone participation only for today, not as a policy for later meetings. He noted that members who phone in are "present and deliberating". He had spoken with the FOIA Commission, who indicated that the statute defined meeting to include off-site participation. He also had spoken with Tom Mooney, outside counsel, who also saw this as a decision for today only where the Chair's ruling would be valid absent a Board vote to appeal and overturn the Chair's ruling. He found that the simultaneous nature of the phone participation made this a meeting under the statute.

Mr. Mason then ruled to allow phone participation in today's meeting.

Mr. Ramer made a motion, seconded by Ms. Kiernan to appeal this ruling. The Board voted 8-2 to sustain the Chairman's ruling, with Mr. Ramer and Ms. Kiernan opposed. Ms. Krumeich and Mr. Blankley did not vote on this matter which concerned them today.

Mr. Mason then called for an Executive Session to discuss an additional appropriation for a legal settlement.

Upon a motion by Ms. Tarkington, seconded by Mr. Norton, the Board voted unanimously to enter Executive Session at 8:31 A.M, to discuss pending litigation.

EXECUTIVE SESSION

Upon a motion by Ms. Tarkington, seconded by Mr. Norton, the Board voted unanimously to exit Executive Session at 10:04 A.M.

SE-7	First Selectman	\$143,000	Lump Sum Payment
		\$135,000	Annuity
	P935 57350		Settlement – Gustovich v. TOG


Ms. Kiernan noted that risk management being a key Board responsibility, the vote on the settlement and the choice of a consultant to provide findings and advice about a possible inhospitable work environment in the Police Department could not be separated. She noted she was not satisfied with the Selectmen's' plan in this regard, and therefore would not support the settlement. Mr. Blankley noted that the choice of consultant was not within the Board's responsibility, and he would vote for the settlement. Mr. Lash noted that proper and effective management required that all levels of the chain of command needed to apply the proper procedures in a consistent and firm manner, and only this consistency would provide for a proper and lawful work environment.

Upon a motion by Ms. Tarkington, seconded by Mr. Norton to pay Captain Gustovich a lump sum payment of \$143,000 to cover salary and legal fees, as well as to purchase an annuity of present value of no more than \$135,000 that would replace the retirement payments she would have received if she would have remained in the employ of the Town, the Board voted 10-2 to approve this settlement (opposed Kiernan, Ramer).

ADJOURNMENT

Upon a motion by Ms. Oberlander, seconded by Ms. Weissler, the Board voted 12-0-0 to adjourn at 10.18 A.M.

Respectfully submitted,



William Drake, Clerk of the Board



Michael S. Mason, Chairman