TOWN OF GREENWICH
BOARD OF ESTIMATE AND TAXATION
LAW COMMITTEE MEETING
MINUTES
Friday, September 8, 2017
Law Department Conference Room

Committee: Leslie L. Tarkington, Chair; Elizabeth K. Krumeich

Other: John Wayne Fox, Town Attorney; Aamina Ahmad, Assistant Town Attorney; Fernando F. deArango, Assistant Town Attorney; Peter Tesei, First Selectman; Jill Oberlander, Board of Estimate and Taxation

The meeting was called to order at 9:38 A.M.

1. Discussion in Executive Session of Pending Cases in Litigation
The Committee voted 2-0 to enter into Executive Session to discuss cases in pending litigation at 9:38 A.M.

The Committee voted 2-0 to exit Executive Session at 11:15 A.M.

Upon a motion duly made and seconded, the Law Committee of the Board of Estimate and Taxation ("BET") members Tarkington and Krumeich present voted 2-0 upon review and advice of the Town Attorney to recommend to the Board of Estimate and Taxation a settlement of Marva Savariau v. Town of Greenwich for $75,000.

Upon a motion duly made and seconded, the Law Committee of the Board of Estimate and Taxation ("BET") members Tarkington and Krumeich present voted 2-0 upon review and advice of the Town Attorney to recommend to the Board of Estimate and Taxation a settlement of Marion Milazzo v. Town of Greenwich for $40,000.

Upon a motion duly made and seconded, the Law Committee of the Board of Estimate and Taxation ("BET") members Tarkington and Krumeich present voted 2-0 upon review and advice of the Town Attorney to recommend to the Board of Estimate and Taxation a settlement of Minerva Lachira v. Town of Greenwich for $12,000.

2. Discussion – Second Amendment to Bruce Museum Management Agreement
Town Attorney John Wayne Fox discussed with the Committee the Bruce Museum Management Agreement ("Management Agreement"), executed in August 1991. Attorney Fox explained that under the Town Charter Section 81A The Bruce Museum Inc. ("BMI") is currently under the control of the Department of Parks and Recreation ("P&R"). He explained that recently P&R had revised and defined the services P&R provides to BMI under the proposed Second Amendment to the Bruce Museum Management Agreement ("2nd Amendment").

Over recent years the practice had been to manage the Bruce Museum support under the guidance of the First Selectman. The annual cash donation provided by the Town is budgeted
by the First Selectman as an External Entities line item in the Budget.

By Charter BMI is required to “annually prepare and submit to the First Selectman"... “a budget report presenting the proposed financial plans of the Museum for the ensuing fiscal year” with “Such budget reports made at the time and in the form prescribed by the BET". Other in kind payments for the Bruce Museum as described in the Management Agreement, including property and art collection insurance, and sewer payments are budgeted in Fixed Charges. The delivery of BMI financial information and other information is directed to the Town’s Comptroller. These financial responsibilities are being managed by the Town’s Finance Department.

Further Town Attorney Fox recommended that the BET Law Committee adopt a resolution in light of the potential expenses that could occur in the undertaking of the expansion by BMI: that this (2nd Amendment) is a matter that has the potential for the serious and extensive financial liability for the Town. As the Board of Estimate and Taxation (“BET”) did with the Management Agreement, the proposed 2nd Amendment should be approved conceptually by the BET. The Committee discussed Attorney Fox’s recommendation, and determined that the First Selectman should provide guidance and clarification to the Committee on next steps, as the Committee had insufficient information regarding the construction project to proceed.

The meeting recessed at 11:55 A.M. to continue at 3:00 P.M. The meeting continued in the small Law Conference Room at 3:05 P.M.

First Selectman Peter Tesei joined Town Attorney John Wayne Fox and the Committee in discussion. All agreed it was a substantial construction project that would more than double the size of BMI. Mr. Tesei agreed that additional information and/or clarifications should be provided to the Town on this project, which is anticipated to cost approximately $45 million, prior to the BET conceptual approval and the RTM review of the 2nd Amendment. The First Selectman agreed to speak with Mr. Peter C. Sutton, The Susan E. Lynch Executive Director of BMI, to request that BMI defer the 2nd Amendment item from the RTM September Call to the RTM October Call. Mr. Tesei confirmed that he would set up a meeting to be attended by BMI and its Attorney Bruce Cohen for further clarification on the expansion construction project. The Committee plans to discuss the BMI pro forma financials including both the capital and operating budgets, through completion of the construction. Town Attorney Fox also agreed to confirm this understanding with Attorney Cohen.

3. Review and Approval of BET Law Committee Meeting Minutes of July 10, 2017
Approval was deferred until the October meeting.

Adjournment
The meeting was adjourned 4:06 P.M.

Leslie L. Tarkington, BET Law Committee Chairman