



MINUTES of the regular meeting of the Board of Estimate and Taxation held on Monday, September 12, 2011 in the Cone Meeting Room, Greenwich, CT.

Chairman Stephen Walko called the meeting to order at 6:33 P.M., after which the members pledged allegiance to the flag.

Mr. Walko shared comments regarding Nancy Barton's recent resignation, wished Ms. Barton well and stated that she will be missed. Mr. Walko then gave a brief overview of the process to fill a vacancy left by a member who does not fulfill their term.

Upon a motion by Mr. Simon, seconded by Mr. Finger, the Board voted 10-0-0 to accept the appointment of Mary Lee Kiernan to the Board of Estimate and Taxation, effective September 12, 2011.

Board members in attendance:

Stephen G. Walko, Chairman  
Jim Campbell, Vice Chairman  
Joseph L. Pellegrino, Clerk  
William R. Finger  
Randall Huffman  
Mary Lee Kiernan  
Michael S. Mason  
Arthur D. Norton  
Jeffrey S. Ramer  
Laurence B. Simon  
Leslie L. Tarkington

Absent: William G. Kelly

Selectmen: Peter Tesei, First Selectman

Staff: Peter Mynarski, Comptroller; Roland Gieger, Budget Director; John Crary, Town Administrator; Dustin Anderson, Executive Assistant, Selectmen's Office; John Wayne Fox, Town Attorney; Aamina Ahmad, Eugene McLaughlin, Jr., Assistant Town Attorneys, Law Department; Ted Gwartney, Assessor; Robert Shipman, Assistant Assessor; Amy Siebert, Commissioner; David Thompson, Deputy Commissioner, Public Works Department; Allen Brown, Executive Director; Ray Augustine, Director of Financial Operations, Nathaniel Witherell; Roger Lulow, Superintendent of Schools, Board of Education

Other: David Ormsby, Chairman; Lloyd Bankson, Nathaniel Witherell Board; H. Andrew Fox, Co-Chairman, Nathaniel Witherell Building Committee; Joseph Ross, Chairman, MISA Building Committee

## NON-ROUTINE APPLICATIONS

### SE-1 First Selectman – Additional Appropriation \$7,500

Additional Appropriation:

\$ 7,500	to	P935-57350	Settlement – Shapiro vs. TOG
\$ 7,500	from		Risk Fund Balance

Upon a motion by Mr. Campbell, seconded by Mr. Mason, the Board voted 11-0-0 to approve the application.

### SE-2 First Selectman – Additional Appropriation \$5,780

Additional Appropriation:

\$ 5,780	to	P935-57350	Settlement – Weinreb vs. TOG
\$ 5,780	from		Risk Fund Balance

Upon a motion by Mr. Campbell, seconded by Mr. Mason, the Board voted 11-0-0 to approve the application.

### SE-3 First Selectman – Additional Appropriation \$300

Additional Appropriation:

\$ 300	to	P935-57350	Settlement – Clark vs. Fischer, TOG
\$ 300	from		Risk Fund Balance

Mr. Walko stated the BET has a policy delegating to the Comptroller the power to approve settlements less than \$5,000; that settlements between \$5,000 and \$25,000 are reviewed by the Law Committee and then approved by the BET; and settlements above \$25,000 are reviewed by the Law Committee, the Budget Committee, and then approved by the BET.

In response to Mr. Walko, Mr. Fox explained that this item is being brought before the BET, due to the extraordinary and unusual nature of the claim.

Upon a motion by Mr. Campbell, seconded by Mr. Mason, the Board voted 11-0-0 to approve the application.

### NW-1 Nathaniel Witherell – Reallocation \$5,000

Reallocation:

\$ 5,000	to	B450-59560	P&Z Legal Costs
\$ 5,000	from	B450-59560	Architects Design Fees

Mr. Mason explained that the original release was to continue architectural work in order to provide Health Dimensions Group enough material to assist in their report to the BET and to have enough work completed for land use approvals. The release did not include small amounts for legal costs necessary for presenting to the land use agencies. Mr. Huffman shared concerns regarding representing attorneys, possible conflict of interest, and the waiver process. Mr. Andy

Fox explained that appropriate conflict-of-interest documentation was entered into when council was engaged by the Nathaniel Witherell Building Committee.

Upon a motion by Mr. Mason, seconded by Mr. Simon, the Board voted 10-1-0 (Mr. Huffman opposed) to approve the application.

PW-4 DPW – Additional Appropriation \$1,165,000

Additional Appropriation:

\$1,165,000	to	Z315-59830-12xxx	GHS Fields Remediation Program
\$1,165,000	from		Capital Non-Recurring

Mr. Mason gave an overview of the request with regards to soil contamination, environmental testing, and remediation. Mr. Mason also noted that the BOE, MISA Building Committee, Parks & Recreation Department, the Law Department, the Finance Department, with the DPW as the lead, is a team effort that will address the remediation program. The Budget Committee has requested that the Comptroller set up a project number in the Capital Non-Recurring fund for all expenditures, the BET will require separate cost reports for the sections related to the MISA projects and the other costs associated with the remaining GHS property. A discussion followed regarding the progress already made, fund balance, and segregation of testing areas.

Upon a motion by Mr. Mason, seconded by Mr. Simon, the Board voted 11-0-0 to approve the application.

**ROUTINE APPLICATIONS**

PD-3 Police Department – Approval to Accept \$XXXX

Approval to Accept:

\$ XXXX	to	Motorcycle (value \$20,000)
\$ XXXX	from	America's 911 Foundation Award

HD-1 Health Department – Approval to Use \$8,267

Approval to Use:

\$ 4,101	to	F406-51490	Professional Services NOC
\$ 650	to	F406-52010	Advertising & Public Notices
\$ 1,116	to	F406-52150	Office Services
\$ 280	to	F406-52920	Transfer other Departments
\$ 170	to	F406-53010	Office Supplies
\$ 1,550	to	F406-53250	Medical, Dental, Lab Supplies
\$ 400	to	F406-53550	Mech. Supplies, Small Tools
\$ 8,267	from		HERR Funds - Grant

HD-2 Health Department – Approval to Use \$54,927

Approval to Use:

\$51,024.48	to	F4036-51300	Temporary Salaries
\$ 3,902.52	to	F4036-57050	Social Security
\$54,927.00	from		Emergency Prep Grant

HD-3 Health Department – Approval to Use \$15,000

Approval to Use:

\$11,614.54	to	F40337-51010	Salaries
\$ 500.00	to	F40337-52010	Advertising
\$ 1,000.00	to	F40337-52150	Office Services
\$ 1,000.00	to	F40337-53010	Office Supplies
\$ 885.46	to	F40337-57050	Social Security
\$15,000.00	from		Emergency Prep Grant

Upon a motion by Mr. Pellegrino, seconded by Mr. Ramer, the Board voted 11-0-0 to approve the applications.

**ASSESSOR'S REPORT**

Mr. Gwartney presented the Assessor's Report to the Board, highlighting the preparation of the 2011 Grand List. A discussion followed regarding the Grand List growth estimates, the residential sales statistics, and the integration of new administrative software.

Upon a motion by Ms. Tarkington, seconded by Mr. Mason, the Board voted 11-0-0 to accept the Assessor's Report.

**Approval of Assessor's Performance Evaluation & Salary**

Upon a motion by Mr. Mason, seconded by Mr. Campbell, the Board voted 11-0-0 to take this item out of order.

Upon a motion by Mr. Pellegrino, seconded by Ms. Tarkington, the Board voted 11-0-0 to accept the Resolution that the Assessor's salary be increased by one step, from \$129,357.00 to \$131,672.00, effective July 1, 2011, and that the evaluation be approved herewith.

**COMPTROLLER'S REPORT**

Mr. Mynarski presented the Comptroller's Report to the Board, highlighting the RFP for Financial Advisory Services for the issuance and management of debt. Mr. Mynarski also gave an overview of several upcoming RFP's for the 2012 calendar year. A brief discussion followed regarding proposals, and ICME costs.

The Hay Group Human Resources report will be presented at a Special Meeting of the BET on October 3, 2011, at 6:00 P.M.

Mr. Walko commended the Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officer's Association of the United States and Canada (GFOA) for its Comprehensive Annual Financial Report (CAFR) for the year ending June 30, 2010, once again. Mr. Walko also shared comments regarding the Comptroller's review of contracts.

Upon a motion by Ms. Tarkington, seconded by Mr. Norton, the Board voted 11-0-0 to accept the Comptroller's report.

#### Approval of Comptroller's Performance Evaluation & Salary

Upon a motion by Mr. Pellegrino, seconded by Mr. Mason, the Board voted 11-0-0 to take this item out of order.

Upon a motion by Mr. Pellegrino, seconded by Mr. Ramer, the Board voted 11-0-0 to accept the Resolution that the Comptroller's salary be increased by one step, from \$174,338.52 to \$177,460.00, effective July 1, 2011, and that the evaluation be approved herewith.

Mr. Walko stated that, with this item, the Comptroller's and Assessor's performance evaluations and salary adjustments are now consistent with all other M/C employees.

#### ACCEPTANCE OF TREASURER'S REPORT SHOWING INVESTMENT PORTFOLIO ACTIVITY FOR THE PERIOD OF August 1, 2011 – August 31, 2011

Mr. Norton commended the Treasurer for be able to get 40 basis points on most of the accounts. A brief discussion followed regarding the exact amount of taxes collected.

Upon a motion by Mr. Simon, seconded by Mr. Norton, the Board voted 11-0-0 to accept the Treasurer's Report.

#### BET Standing Committee Reports

*Audit Committee Report*

#### BET Liaison Reports

#### BET Special Project Team Reports

#### CHAIRMAN'S REPORT

Mr. Walko shared brief comments regarding tax bills vs. the basis for setting the mill rates, and future discussion on the Reval. Mr. Walko also shared comments regarding Nathaniel Witherell the HDG review, and final report, of the business plan for Project Renew, and the process going forward, which will include a public hearing in October and deliberations and a vote in November. Mr. Walko also stated that he will continue to work with the Law Department concerning the MISA project and the implications regarding the State and the Federal Governments' involvement.

#### OLD BUSINESS

#### BET Policies and Procedures Discussion

Mr. Walko stated that the Board has discussed Policies and Procedures over the last several months, Mr. Finger and Mr. Pellegrino have presented a draft, which has been amended slightly, and recently the Law Department issued a memo regarding appropriations and votes needed according to the Town Charter. A final draft will be circulated and voted upon at the next BET meeting.

Mr. Fox gave an explanation of the issues and recommendations highlighted in a memorandum to members of the BET, dated September 9, 2011 regarding the procedure and vote required to amend a proposed appropriation and then to adopt a proposed appropriation. A discussion followed regarding interpretation of various sections of the Town Charter pertaining to the budget process, votes and amendments.

## **NEW BUSINESS**

### **Approval Hold Harmless/Indemnification Agreements**

Mr. Norton presented the Indemnification and Release, Town of Greenwich Draft 9/9/11 to the Board for review.

Upon a motion by Mr. Norton, seconded by Mr. Ramer, the Board voted 11-0-0 to accept the Indemnification and Release, Town of Greenwich, document as drafted on September 9, 2011.

### **Approval of 2012 BET Meeting Schedule**

The Board reviewed the BET 2012 Meeting Schedule and re-scheduled the Monday, May 21, 2012 meeting to Thursday, May 17, 2012.

Upon a motion by Mr. Mason, seconded by Mr. Norton, the Board voted 11-0-0 to accept the 2012 Meeting Schedule, as amended.

### **OPEB Cost Transfer Resolution**

Mr. Mynarski gave an explanation of the recommendation to the Board.

Upon a motion by Mr. Simon, seconded by Mr. Mason, the Board voted 11-0-0 to approve that **effective July 1, 2011, the costs to be recognized in the OPEB Trust will also include all workers' compensation and heart and hypertension healthcare, pharmaceutical, disability, legal and related costs considered post employment benefits costs to retirees, their beneficiaries and former employees entitled to such benefits.**

## **APPROVAL OF MINUTES**

### **BET Regular Meeting, July 18, 2011**


Upon a motion by Mr. Ramer, seconded by Ms. Tarkington, the Board voted 10-0-1 (Ms. Kiernan abstained) to approve the Regular Meeting Minutes of the BET from July 18, 2011.


**ADJOURNMENT**

There being no further business before the Board, the meeting was adjourned at 8:10 P.M.

Respectfully submitted,

  
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Maria Bocchino, Recording Secretary

  
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Joseph L. Pellegrino, Clerk of the Board

  
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Stephen G. Walko, Chairman