



**TOWN OF GREENWICH
BOARD OF ESTIMATE AND TAXATION
LAW COMMITTEE
REGULAR MEETING MINUTES
September 13, 2022**

Committee: Karen Fassuliotis, Chair, Stephen Selbst

Town Attorney: Barbara Schellenberg

The Nathaniel Witherell: Larry Simon

Departments: Megan Damato, Risk Manager; Fernando De Arango, Town Attorney

The Chair called the meeting to order at 3.00 P.M.

1. The Nathaniel Witherell – Discussion of Recent Medicare Audit

Mr. Simon advised the Law Committee that in March 2022, the Connecticut Department of Public Health had conducted a five-day on-site visit and identified 16 violations in its report, including some violations that noted conditions that presented potential dangers to patients. As a result of the inspection The Nathaniel Witherell dropped from 3 stars to 1 star by the Centers for Medicare & Medicaid Services (CMS).

In response, The Nathaniel Witherell filed a plan of correction which addressed the deficiencies cited by CMS with the State Department of Public Health. In a letter to TNW management the facility was deemed to be in “substantial compliance” with the in addressing the noted in the deficiencies. Mr. Simon advised the Law Committee that going forward management will be addressing training and other requirements to improve the service to residents at the facility.

The Committee also discussed the insurance requirements required at the facility and generally discussed risk management with Mr. Simon.

2. Approval of Minutes – July 13, 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 July 13, 2022 regular meeting.

3. Old Business

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

Year to Date Budget. Ms. Schellenberg reported that the Law Department was under budget as of August 31, 2022.

4. Recent Court Filings

Spillane v. Lamont et al. -- Ms. Schellenberg reported that there was a hearing scheduled on a motion to dismiss scheduled for September 19, 2019.

Masouredis v. Town of Greenwich – Ms. Schellenberg reported that the plaintiff had recently filed a bill of discovery in a case in which a Town employee driving a truck allegedly struck a bicyclist. The driver of the vehicle will be supplied with separate counsel.

Greenhaw v. Town of Greenwich – Ms. Schellenberg reported that she had determined to retain Andrew McPherson to handle this case.

5. 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 3.29 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 3.37 P.M.

6. Settlements

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to approve the settlement of the *USAA v. Lazarus* with a payment by the Town of \$10,427.39

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to approve the settlement of the *Rosen v Town of Greenwich* with a payment by the Town of \$29,706.46.

7. State of Connecticut Department of Economic and Community Development Grant – Senior Center

The Law Committee heard a report on a proposed grant for the Town's Senior Center. Ms. Schellenberg reported, however, that the terms of the proposed grant had several problematic clauses. The grant:

- Required the Town to indemnify the State of Connecticut for any environmental claims arising from use of the Center. TC

- Contained a negative pledge provision that may restrict future use of the building.
- Precluded entering into new leases of the building, which is problematic because the Town already has a tenant at the property and may need to renew the lease.

The Law Department was directed to negotiate with the State of Connecticut to see if these issues could be resolved.

8. Adjournment.

Upon motion made by the Chair and seconded by Mr. Selbst, the Law Committee voted 2-0-0 to adjourn the meeting at 4.05 p.m.

Respectfully submitted,



Stephen Selbst, Recording Secretary



Karen Fassuliotis, Chair, Law Committee