

**TOWN OF GREENWICH  
BOARD OF ESTIMATE AND TAXATION  
LAW COMMITTEE MEETING  
MINUTES**

Friday, October 15, 2018,  
Regular Meeting  
Law Department Conference Room

Committee: Elizabeth K. Krumeich, Chair; Karen Fassuliotis

Law: J. Wayne Fox, Town Attorney; Aamina Ahmad, Assistant Town Attorney;  
Fernando F. De Arango, Assistant Town Attorney; Abby Wadler-Shin, Assistant  
Town Attorney,

BET: Jill Oberlander, Chair; Debra Hess; Leslie Moriarty; Leslie Tarkington

Staff: Megan Damato, Director, Risk Management

The Chair called the meeting to order at 3:03 PM.

**1. Discussion in Executive Session of Pending Cases in Litigation**

Upon a motion by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee voted 2-0 to go into Executive Session at 3:04 PM to discuss pending cases in litigation. Motion carried.

Upon a motion by Ms. Krumeich, seconded by Ms. Fassuliotis, the Committee voted 2-0 to come out of Executive Session at 4:40 PM. Motion carried.

**3. The Nathaniel Witherell - Deed Restrictions**

Pursuant to a recommendation made in *the Report of the BET Special Committee on The National Witherell*, the Law Committee asked the Town Attorney to determine the current legatees of the grantors of the property on which The Nathaniel Witherell (TNW) is located. Initially, a title search would determine what parcels currently make up the property on which TNW is situated. Town Attorney Fox agreed that he would commence a title search and then a search to find legatees by using an heir search firm.

**4. FOIA - Update**

The Committee was informed that there have been 165 Freedom of Information (FOI) requests made to the Law Department in the past fifteen (15) months. The Law Department does not know how many such requests were made directly to Town Departments or the Board of Education, although in the case of the Board of Education most of the requests are referred to the Law Department. The question was raised as to whether departments are trained on FOI requirements and whether there is a record retention policy for the Town. Town Attorney Fox thought the department heads were aware of the FOI requirements. Attorney

Ahmad indicated that there is FOI training every two (2) years, that is during a municipal election year. Attorney Ahmad agreed to send Committee members her summary of FOI requirements for the posting of notices, agenda and special meetings.

#### **5. Bruce Museum Expansion**

No legal issues have been brought to the attention of the Law Department that relate to the expansion program for the Bruce Museum and the related construction project.

#### **6. New Business**

##### **Board of Education Capital Projects and Maintenance Processes**

The BET Education Liaisons, Ms. Moriarty and Ms. Hess, distributed a draft of the Liaisons' proposed expansion of the scope of a review by BlumShapiro, a consultant engaged by the Board of Education (BOE), to analyze the processes by which the BOE undertook capital projects and maintenance work for non-building committee projects. The Committee discussed whether or not the review should include a "look back" of all or a sample of the past BOE capital projects. The Liaisons agreed that some sort of "look back" was needed, but they do not agree on the extent of the "look back." The Committee also discussed whether or not it was within the BET's power to request a forensic audit or that would remain within the purview of the BOE. The Liaisons indicated that they would request an expansion of the scope of work to be carried out by BlumShapiro to seek an "economy of scale." The Liaisons did not have a cost estimate for the work.

The Committee did not vote on the scope of the review, and agreed to forward any questions or comments to the Liaisons.

#### **7. Approval of Minutes**

Upon a motion by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee voted 2-0-0 to approve the Minutes of the Special Meeting of the Law Committee held on September 7, 2018. Motion carried.

#### **8. Adjournment**

Upon a motion by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee voted unanimously to adjourn the meeting at 11:00 AM. Motion carried.

The next Regular Meeting of the Law Committee on Thursday, November 15, 2018, at 3:00 PM in the Law Department Conference Room.

Respectfully submitted,



Karen, Fassuliotis, Recording Secretary



Elizabeth K. Krumeich, Chair