MINUTES of the regular meeting of the Board of Estimate and Taxation held on Thursday, October 24, 2019, in the Cone Meeting Room, Town Hall, Greenwich, CT.

Jill Oberlander, BET Chair, called the meeting to order at 6:35 P.M., after which the members pledged allegiance to the flag.

Board members in attendance:

Jill K. Oberlander, Chair
Jeffrey S. Ramer, Vice Chairman
Elizabeth K. Krumeich, Clerk
William Drake
Andreas Duus III
Karen Fassuliotis
Debra Hess
Michael S. Mason
Leslie Moriarty
Leslie L. Tarkington
Anthony Turner
David Weisbrod

Staff: Aamina Ahmad, Assistant Town Attorney, Law Department; Lauren Elliott, Assessor; J. Wayne Fox, Town Attorney; Roland Gienger, Budget Director; James Heavey, Chief, Police Department; Mark Marino, Deputy Chief, Police Department; Alan Monelli, Superintendent, DPW Buildings & Construction; Peter Mynarski, Comptroller; Howard Richman, Tax Collector

TNW: Allen Brown, Executive Director, The Nathaniel Witherell

Selectman: Sandy Litvack, Selectman

Other: Bruce D. Angiolillo; William R. Finger; Stephen P. Fogerty, Attorney, Halloran Sage, outside counsel representing the Town of Greenwich (by telephone); Mareta C. Hamre; Miriam Kreuzer, RTM (D7), Legislative & Rules Committee, 2019 BET Candidate; James A. Lash

The Chair welcomed BET Members, Town staff and members of the public to the October meeting of the BET.

Ms. Oberlander advised the Committee that it would be necessary to change the Order of Business to move Old Business Item 10C after Request for Budget Adjustments Item 3 to participate in a telephone conference call with Attorney Fogerty at 7:30 P.M.

Upon a motion by Mr. Ramer, seconded by Ms. Tarkington, the Board voted 12-0-0 to change the Order of Business at 7:30 P.M. to participate in
EXECUTIVE SESSION – Discussion of Pending Litigation

Ms. Oberlander called for an Executive Session to discuss pending litigation.

Upon a motion by Ms. Krumeich, seconded by Ms. Fassuliotis, the Board voted 12-0-0 to enter Executive Session at 6:39 P.M. Motion carried.

Upon a motion by Ms. Krumeich, seconded by Ms. Fassuliotis, the Board voted 12-0-0 to exit Executive Session at 7:10 P.M. Motion carried.

The Board exited Executive Session at 7:10 P.M.

Requests for Budget Adjustments

Ms. Oberlander noted that there were three requests for Budget Adjustments and that one was identified as NON-ROUTINE on the Meeting Agenda. The Clerk of the BET moved the following Routine Applications.

Routine Applications

<table>
<thead>
<tr>
<th>Number</th>
<th>Department</th>
<th>Amount</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>HD-2</td>
<td>Health</td>
<td>$43,311</td>
<td>Approval to Use 2019/2020 PHEP Grant</td>
</tr>
<tr>
<td>HD-3</td>
<td>Health</td>
<td>$16,167</td>
<td>Approval to Use 2019/2020 PHHSBG</td>
</tr>
</tbody>
</table>

Ms. Moriarty reported that the Budget Committee voted 4-0-0 to approve the use of a State Public Health Emergency Preparedness Grant (PHEP) to fund a Part-Time Emergency Preparedness Coordinator position, supplies, materials and mileage. Ms. Moriarty explained that the Coordinator will prepare operations guidelines to train volunteer medical personnel and to coordinate with Police, Fire, Health and responders' efforts to prepare for catastrophic emergencies.

Upon a motion by Ms. Krumeich, seconded by Mr. Ramer, the Board voted 12-0-0 to approve the Routine Applications. Motion carried.

Non-Routine Applications

Mr. Weisbrod made a motion, seconded by Ms. Moriarty, to consider the request for an additional appropriation by the Police Department.

PD-1 Police $440,239 Additional Appropriation
Ms. Moriarty reported that the Budget Committee discussed the request for an additional appropriation to cover an increase in both project scope and project cost over the original estimate. Three hundred and fifty thousand dollars ($350,000) was appropriated in FY20 budget with an additional $150,000 forecast to be requested in FY21, for a total expected cost of $500,000. The contractor bid received was for $790,000 due to an increase in the scope of work for complete renovation of firing range and environmental and mechanical engineering changes for safety and maintenance requirements and an increase in the costs for that scope. It was noted that an additional $100,000 will be needed in a future budget for firearms training simulator. The Budget Committee voted 4-0-0 to approve the request.

Upon a motion by Mr. Weisbrod, seconded by Ms. Moriarty, the Board voted 12-0-0 to approve the Additional Appropriation of $440,000 above the original $350,000, resulting in a total project cost of $790,000. Motion carried.

ASSESSOR’S REPORT

Ms. Elliott reported that Tyler Technologies and J.F. Ryan & Associates, have been engaged as field appraisers (both were engaged in the previous ReValuation) to complete the 2020 ReValuation that will commence following the determination of the Grand List in January 2020. The personal property declarations for businesses have been mailed, with declarations due back to the Assessor’s Office by November 1, 2019. The audit program of non-filers is schedule to begin the week after the deadline.

Upon a motion by Ms. Tarkington, seconded by Mr. Ramer, the Board voted 12-0-0 to accept the Assessors report. Motion carried.

COMPTROLLER’S REPORT

The Comptroller presented his report and mentioned the following items:

• **Annual TOG Audit** – The process was ahead of schedule and no issues have been identified thus far.
• **Pension Fund Actuarial Report** – The Retirement Board will be meeting on Thursday, October 31, 2019, for the investment advisor presentation of Neuberger Berman and the actuarial presentation of Boomershine. The Town’s annual contribution to retiree pension fund for the fiscal year will be discussed.
• **Risk Manager** recognition – The Risk Manager for the Town of Greenwich, Megan Damato Zanesky, has been elected president of the Public Risk Manager Association (PRIMA), CT Chapter, for a two-year term.
• **State Education Reimbursements** – The Town is still awaiting final State reimbursement for school construction of the Music Instructional Space and Auditorium (MISA) in the new Performing Art Center at Greenwich High School, Glenville School and Hamilton Avenue School projects.

Upon a motion by Ms. Tarkington, seconded by Mr. Ramer, the Board voted 12-0-0 to accept the Comptroller’s Report. Motion carried.
TREASURER’S REPORT

Ms. Oberlander asked for questions about the Treasurer’s Report showing investment portfolio activity for September 2019. Hearing none, the Chair noted that the BET had received the Report.

BET Standing Committee Reports

No Reports scheduled

BET Special Project Team Reports

No Reports scheduled

OLD BUSINESS

• Discussion of The Nathaniel Witherell’s plan to address issues during Fiscal 2019

The Executive Director of The Nathaniel Witherell (TNW) described the steps being taken to reduce the risk of incurring unanticipated expenses in the future following the request in July 2019 of an interim appropriation. He noted that a new Director of Financial Operations, Glenn Williams, had been on board for two months. Mr. Brown explained that a number of procedural changes had been put in place: reporting adjustments under TNW’s revenue reporting system, MATRIX, are being made to align with TNW expense processes reported under the Town’s MUNIS accounting system; developing better operational systems to track vendor billing and purchase order processing; and overtime expense control. An overtime expense analysis (part-time versus full-time) is being undertaken and may result in an optimal staffing plan. TNW will present a final report to the BET at its November 18, 2019, meeting on the recommendations of Health Dimensions Group in its Report and PKF O’Connor Davies in its Review that have been implemented since the BET received the Report and Review, respectively. Ms. Oberlander congratulated TNW for returning to its 4-star rating as a skilled nursing facility by the Centers for Medicare & Medicaid Services (CMS), which is part of the U.S. Department of Health and Human Services (HHS).

Order of Old Business changed to allow the BET to participate in a conference call with outside counsel for the Town at 7:30 P.M.

• Vote on appointment of Committee members submitted by the Chair pursuant to motion adopted at September 23, 2019, BET Meeting

At the request of the Chair, Vice Chairman Ramer assumed the role of Chairman Pro Tem during the discussion and vote on the appointment of Committee members submitted by the Chair pursuant to the previously-adopted motion approved during the September 23, 2019, meeting of the Board (the September 23rd Resolution). Attorney Fogerty joined the meeting by conference call at 7:30 P.M. Mr. Ramer explained that Attorney Fogerty had been retained by the Town
Attorney to serve as an outside counsel for the Town. He noted that pursuant to the September 23rd Resolution, the proposed members of the Committee had been identified by the Chair in the Board packet posted and distributed for this meeting.

Ms. Oberlander made a motion, seconded by Ms. Moriarty, to vote to approve the appointment of members of the Committee: Mr. Angiolillo, Mr. Finger (proposed Chairman of the Committee), Ms. Hamre, and Mr. Lash.

The Chairman Pro Tern explained that if a member of the BET wishes to make a motion to strike a person from the Committee, it will be considered as an amendment to the motion. BET members discussed the process being used pursuant to Robert’s Rules of Order. The Chairman Pro Tem explained that non-BET members appointed to the Committee must be approved by the full membership of the BET. Proponents of the September 23rd Resolution felt that current members of the BET should be the only voting members of the Committee. Opponents of the September 23rd Resolution noted that all current members of the BET would have a conflict of interest serving on the Committee.

Mr. Mason made a motion to amend the motion before the BET, seconded by Ms. Fassuliotis, (i) to add current BET members to the Committee, (ii) to give only current BET members on the Committee voting authority, and (iii) to complete the work of the Committee by November 18, 2019.

The Chairman Pro Tem ruled Mr. Mason’s motion out of order, explaining that the only motion before the BET is to vote to approve the appointment of the members of the Committee as set forth in the Agenda and Mr. Mason’s motion to amend is not applicable to the motion currently before the BET but rather is an amendment of the provisions of the September 23rd Resolution. BET members discussed whether the September 23rd Resolution was amendable. As Attorney Fogerty explained, a motion to amend must apply to the motion on the Agenda and not to an earlier resolution. The Chairman Pro Tem ruled that Mr. Mason’s motion would amend the September 23rd Resolution, requiring prior notice that the motion to amend would be taken up at a meeting in the future. Attorney Fogerty opined that the Chairman Pro Tem’s ruling that Mr. Mason’s motion is out of order was appropriate because the motion to approve the appointment of committee members is before the Board members and not the September 23rd Resolution.

Ms. Fassuliotis made a motion to appeal the ruling of the Chairman Pro Tem, seconded by Mr. Mason.

Attorney Fogerty cautioned that taking action on the motion to appeal would violate Connecticut’s Freedom of Information Act (CT Gen. Stat. 1-225(c)) (CT FOIA) since the item is not on the Agenda and has not been placed on the Agenda. The Chairman Pro Tem stated that an amendment to the September 23rd Resolution also requires “previous notice” under Robert’s Rules of Order. Moreover, the Chairman Pro Tem noted that there had been no request to place
a motion to amend on the Agenda pursuant to the BET Policies & Procedures (i.e., previous notice and request to add an item given by four BET members at least ten business days prior to the meeting) and that such item would have been placed on the Agenda for this meeting. Attorney Fogerty concurred with the Chairman Pro Tem and explained that the motion before the BET is part of the procedure for appointing members to a committee and it can be a motion to accept or reject the committee members as a whole or to strike an individual name on the committee but cannot be a motion to change the charge, time line, or methodology of the committee. He also noted that it was an improper amendment because it was not germane to the question to be amended, it was a rejection of the September 23rd Resolution, and it would convert one motion to another motion. Attorney Fogerty further reiterated that acting on Mr. Mason’s motion would be a violation of CT FOIA and contrary to Robert’s Rules of Order.

Ms. Fassuliotis asked for time to confer with the seconder of the motion to appeal and was given such time.

Ms. Fassuliotis withdrew the motion to appeal and Mr. Mason agreed to the withdrawal.

After further discussion, the BET voted on the motion to appoint members to the Committee.

Upon the motion by Ms. Oberlander, seconded by Ms. Moriarty, the Board voted 5-7-0 to appoint Mr. Angiolillo, Mr. Finger, Ms. Hamre, and Mr. Lash to the Committee. (Opposed: Drake, Duus, Fassuliotis, Hess, Mason, Tarkington, Turner). Motion failed.

Accordingly, the September 23rd Resolution was returned to the Chair. The Chairman Pro Tem concluded the discussion. The conference call with Attorney Fogerty ended at 8:52 P.M. The Chair called for a short recess.

Meeting resumed at 9:06 P.M.

• Approval award of contract to perform Fire Service Study to Matrix Consulting Group

The Comptroller reported that the Committee (Mr. Mason, Mr. Weisbrod, Ms. Fassuliotis and Ms. Oberlander (who was replaced by Ms. Moriarty)) to develop the scope of the request for proposal (RFP) for a Fire Service Study and conducted interviews of the bidders and then selected Matrix Consulting Group. Matrix’s bid included an additional $12,320 in its proposal for a review of the Fire Department’s organizational structure. The revised Bid totaled $76,020. The consultants will interview various stakeholders and look at adequacy of response time, service levels and collect basic documents (regarding goals, objectives, policies and procedures).

Mr. Mason made a motion, seconded by Mr. Ramer, to award the contract to Matrix Consulting Group under the scope of the original RFP and the additional scope of work, including the additional
$12,320, and release the condition on the $75,000. The Board voted 12-0-0 to award the contract to Matrix Consulting Group. Motion carried.

NEW BUSINESS

- Discussion and vote on FY2021 Budget Guidelines

Ms. Moriarty made a motion, seconded by Mr. Ramer, to adopt the Budget Guidelines for Fiscal Year 2020-2021 (FY21) as approved by the Budget Committee on October 15, 2019.

Ms. Moriarty presented the proposed Budget Guidelines for Fiscal Year 2020-2021 (FY21) (the Guidelines). The intent of the Guidelines is to lower the rate of growth in the Town's budget. The Guidelines state that the BET needs to control the rate of budget growth and anticipates the Mill Rate will increase in the range of 2.5%-3.5%. The Committee identified the challenges of addressing new initiatives and delivering services important to residents while trying to limit the annual cost increase. The Guidelines request that the Board of Education (BOE) operating budget increase by no more than 2.0% over FY20 budget and Town department operating budget increase by no more than 1.75% over FY20 budget, both of which are lower than a continuation budget. The Guidelines also request the First Selectman and BOE provide a prioritized list of an additional $2.0 million of reductions from their budgets for possible consideration by the BET during the budget deliberations. These lists should include information on the impact on services. The Guidelines indicate the capital plan should be developed with a focus to complete open projects, prioritize soil remediation projects, and consider the ability to implement the proposed plan. The Guidelines request the BOE review and modify its capital plan, which includes the Master Facilities Plan, to reflect what it believes can be accomplished. Ms. Moriarty reported that the Budget Committee voted 4-0-0 on the Guidelines.

Upon a motion by Ms. Moriarty, seconded by Ms. Tarkington, the Board voted 12-0-0 to amend the 4th bullet under New Initiatives and Areas of Concern to add the following sentence at the end of the bullet: "During budget deliberations, the BET will adopt a plan to fund the existing negative balance in Nathaniel Witherell's revenue fund." Motion carried.

Ms. Hess made a motion, seconded by Ms. Tarkington, that Ms. Hess and Ms. Tarkington then withdrew. Upon a further motion by Ms. Hess, seconded by Ms. Tarkington, the Board voted 8-4-0 to add the following paragraph following the 4th paragraph in the Introduction to read as follows:

"In addition FY21 property taxes create the tax base for the October 1, 2020 Revaluation, which will be implemented to set the mill rate for FY2021-2022 (FY22) which may result in taxation redistribution among the residents."

(Opposed: Moriarty, Oberlander, Ramer, Weisbrod). Motion carried.

Ms. Hess made a motion, seconded by Mr. Mason, that Ms. Hess and Mr. Mason then withdrew. Upon a further motion by Ms. Hess, seconded by Ms.
Tarkington, the Board voted 7-5-0 to insert the following sentence as a 4th bullet under *New Initiatives and Areas of Concern*: "It is recommended that the BOE perform a program assessment previously discussed with the BET." (Opposed: Krumeich, Moriarty, Oberlander, Ramer, Weisbrod). Motion carried.

Ms. Hess made a motion, seconded by Ms. Tarkington, that Ms. Hess and Ms. Tarkington then withdrew. Upon a motion by Ms. Hess, seconded by Ms. Tarkington, the Board voted 6-6-0 to revise the 3rd sentence under the 4th bullet, Nathaniel Witherell, under *New Initiatives and Areas of Concern* to add the words in bold so that the sentence would read: "The BET requests TNW management focus on approaches to reducing operating costs and implement the operating recommendations by the consultants, including a revised staffing model and prescription management program." (Opposed: Krumeich, Moriarty, Oberlander, Ramer, Turner, Weisbrod). Motion failed.

Upon a motion by Ms. Fassuliotis, seconded by Ms. Tarkington, the Board voted 12-0-0 to add under *Additional Areas for Consideration* in numbered paragraph 3, BOE Certified Staff, (i) the word "forecasted" in the 1st line after the word "on" and before the term "FY20 Budget" and (ii) the clause ", and should include analysis of how the reduction of 56 students to 9,057 as reported to the State in October (FY20) should be converted to BOE savings in both FY20 and FY21." at the end of the sentence. (Opposed: Krumeich, Moriarty, Oberlander, Ramer, Turner, Weisbrod). Motion carried.

Upon a motion by Ms. Fassuliotis, seconded by Ms. Tarkington, the Board voted 12-0-0 to amend under *FY21 Level Services Projection (Exhibit I)*, Paragraph 3 Salaries, the provision to read as follows: "Labor contract negotiations are ongoing. Model assumes no new headcount. The remainder of the 100s accounts are estimated to increase 2%." Motion carried.

Upon a motion by Ms. Krumeich, seconded by Mr. Ramer, the Board voted 11-1-0 to amend under *New Initiative and Areas of Concern* the 4th bullet, Nathaniel Witherell, to add the clause "continue to" between the words "management" and "focus" in the 4th line. (Opposed: Turner). Motion carried.

Upon a motion by Ms. Krumeich, seconded by Ms. Oberlander, the Board voted 12-0-0, to amend (i) the 7th bullet, Healthcare expense, under *New Initiative and Areas of Concern* to add the word "benefits" to the last clause of the final sentence and to delete the word "costs" so that the clause reads: "other post-employment benefits (OPEB)"; and (ii) paragraph 8, Programs/Bundling in Capital Plan, under CAPITAL BUDGET GUIDELINES to add the term "/Bundle" after the word "Program" in the penultimate line. Motion carried.

Following a brief discussion on the Guidelines, the members took up a motion to vote on the document.
Upon a motion by Ms. Moriarty, seconded by Mr. Ramer, the Board voted 12-0-0 to adopt the Budget Guidelines for Fiscal Year 2020-2021 (FY21), as amended. Motion carried.

**Chair’s Report**

The Chair did not give a report.

**Approval of the BET Meeting Minutes**

Upon a motion by Mr. Mason, seconded by Ms. Tarkington, the Board voted 8-3-1 to postpone the vote on the Minutes of the BET Workshop on the Greenwich Transportation Center Redevelopment Agreement held on September 19, 2019, and the Minutes of the Regular Meeting of the Board held on September 23, 2019. (Opposed: Krumeich, Oberlander, Weisbrod) (Abstained: Moriarty). Motion carried.

**Adjournment**

Upon a motion by Mr. Duus, seconded by Ms. Fassuliotis, the Board voted 12-0-0 to adjourn the meeting at 10:30 P.M. Motion carried.

The next Regular Meeting of the Board of Estimate and Taxation is on Monday, November 18, 2019.

Respectfully submitted,

Catherine Sidor, Recording Secretary

Elizabeth K. Krumeich, Clerk of the Board

Jill K. Oberlander, Chair