MINUTES of the regular meeting of the Board of Estimate and Taxation held on Monday, November 18, 2019, in the Town Hall Meeting Room, Town Hall, Greenwich, CT.

Jill Oberlander, BET Chair, called the meeting to order at 6:34 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 Giegier, Budget Director; Peter Mynarski, Comptroller; Howard Richman, Tax Collector

Selectman:  Peter Tesei, First Selectman

Other:      Laura Erickson, 2019 BET member-elect; Stephen P. Fogerty, Attorney, Halloran & Sage, outside counsel representing the Town Law Department; Mareta C. Hamre; Miriam Kreuzer, 2019 BET member-elect; Heather Smeriglio, 2019 Tax Collector-elect

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

Ms. Oberlander welcomed Ms. Erickson and Ms. Kreuzer to the meeting as 2019 BET members-elect and thanked them for volunteering their knowledge and expertise in the service of the community. Ms. Oberlander commented that she will be resigning from the Chairmanship of the BET to Mr. Ramer as of December 1, 2019, when she assumes responsibilities as a member of the Board of Selectpersons and that Mr. Ramer, Vice Chair, will assume the Chair in December.

The Chair recognized First Selectman Tesei who extended the thanks and appreciation of the Town for Ms. Oberlander's leadership as the 19th Chairman of the Board of Estimate and Taxation. Mr. Tesei read a Certificate of Special Recognition that included an overview of Ms. Oberlander's
years of civic volunteerism for the Town and the many qualities she brings to the positions she energetically and enthusiastically fills. First Selectman Tesei officially proclaimed November 18, 2019, as Jill K. Oberlander Day in the Town of Greenwich.

Ms. Moriarty honored the outgoing Chair by describing Ms. Oberlander’s legal and analytical background, her career and volunteer experiences, her inquisitiveness and creativity in finding solutions, and her willingness to look at all sides of the issues. Ms. Moriarty noted that Ms. Oberlander had used her intelligence and humor in working with colleagues and Town employees. Her accomplishments on the BET include supporting education and the environment, delivering budgets that found the balance between service levels and taxes, and providing the focus for the BET on the issues that needed the most attention. Ms. Moriarty thanked Ms. Oberlander for her years of service on the BET.

Mr. Mason followed on behalf of the Republican Caucus by thanking Ms. Oberlander for her skills of coordination, commitment and collegial spirit. He requested that the Minutes reflect the compliments that all fellow BET members express as recognition for her leadership and a job well done. Mr. Mason also extended thanks to Mr. Tesei for his years of service as First Selectman and the legacy he has accorded the Town.

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 Mr. Weisbrod, the BET voted 12-0-0 to enter Executive Session at 6:46 P.M. Motion carried.

The Board exited Executive Session at 6:59 P.M.

Upon a motion by Ms. Krumeich, seconded by Ms. Moriarty, the BET voted 12-0-0 to exit Executive Session at 6:59 P.M. Motion carried.

Requests for Budget Adjustments

Ms. Oberlander commented 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>ED-2</td>
<td>BOE</td>
<td>$245,000</td>
<td>Additional Appropriation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Mechanical Systems Upgrades</td>
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</tbody>
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Ms. Moriarty reported that the Budget Committee voted 3-0-1 to approve the Additional Appropriation for the school boilers due to leaks discovered during cleaning operations. Boiler #1 will be repaired while boiler #2 remains online, and then the process will be reversed with boiler #1 going online and boiler #2 will be tested and repaired if it is necessary. Both units are approximately 25-year old and were scheduled for replacement in 2022 according to the Board of Education (BOE) Master Plan. Encumbered funds of $40,105 can be applied to the project. The
project estimate reflects $129,500 for each boiler, plus a 10% continency and an adjustment for current prevailing wages. The total application for the project is $284,900 less the $40,105 encumbered funds or $245,000.

ED-7       BOE           $1,250,000       Release of Conditions
           New Phone System

Ms. Moriarty reported that the Budget Committee voted 4-0-0 to release conditions on the BOE new phone system application for $1,250,000. The Town IT Director confirmed that the comments had been incorporated into the BOE’s request for proposal (RFP), which was the BET imposed condition.

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

NON-ROUTINE APPLICATION

The Clerk moved the following Non-Routine Application:

SE-3       First Selectman       $600,000       Additional Appropriation
           Settlement: Estate of Conroy et al v.
           Town of Greenwich

Ms. Krumeich reported that the Law Committee did not take a vote to approve a settlement of the Conroy case. Ms. Moriarty reported that the Budget Committee also did not take a vote on the settlement.

Upon a motion by Ms. Krumeich, seconded by Ms. Fassuliotis, the Board voted 11-1-0 to approve the Additional Appropriation of $600,000 to settle the Conroy case. (Opposed: Tarkington). Motion carried.

ASSESSOR’S REPORT

The Assessor reported that the Grand List will be finalized by December 2019, before the 2020 Revaluation starts on January 2, 2020. To date, 2,174 parcels remain to be inspected, and 13,586 have been completed. Weather permitting, residential field work is ongoing and shall continue through November; inspections will recommence in March and are anticipated to be complete by April 2020. Ms. Elliott explained the significance of un-priced motor vehicles on the Supplemental Motor Vehicle list, and reported that such pricing continues. An updated Regular Motor Vehicle List is expected in December. The number of Personal Property accounts increased from the previous year to 4,123 of which 2,432 declarations have been returned. 1,643 accounts did not file declarations this year versus 1,787 non-filers in the previous year. A 25% penalty charge is added to non-filer accounts.

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

COMPTROLLER’S REPORT

The Comptroller began his presentation extending the Finance Department’s thanks to Ms. Oberlander for her support and recognition of its contribution. Mr. Mynarski recognized Ms
Oberlander’s service to the Town and described her ability to coordinate BET initiatives with the Finance Department, reflected on her patience when handling the many challenges facing the Chair of the BET.

The Comptroller then commented on the following highlights of the monthly report:

- **State School Construction Reimbursements** – New Lebanon School reimbursement now totals $17,702,446. Mr. Gieger noted that $1.4 million is still remaining in the appropriation and is not expected to be spent. Once the State’s final audit is completed (approximately one year), an application will be made for the reimbursement of the 11% State retainage and the project will be closed out.

- **Retirement Board Actuary Report** – In the actuarial presentation by Boomershine to the Retirement Board at its meeting held on October 31, 2019, Mr. Gregory Stump a Principal of Boomershine, estimated that the Town contribution this year would be $25.7 million. After reviewing the numbers based on the Retirement Board’s queries, the final recommendation for the Town Contribution is $26,081,591 payable in FY2020-2021.

- **Fire Study** – Five responders to the request for proposal (RFP) for a “town-wide fire analysis” led to the selection of Matrix Consulting Group. The timing for the study to begin is contingent upon the Purchasing Department and Matrix executing the contract.

  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 October 2019. Hearing none, the Chair noted that the BET had received the Report.

**BET Standing Committee Reports**

**Audit Committee** – Mr. Weisbrod requested the addition of an item to the Agenda.

  Upon a motion by Mr. Weisbrod, seconded by Ms. Hess, the BET voted 12-0-0 to add an item to the Agenda. Motion carried.

Mr. Weisbrod reported that the Audit Committee recommends that as a stop-gap measure during the process of finding a full-time Internal Auditor, the BET agree to hire an external auditor to carry out high-priority audits so that the integrity of the Audit Plan would be upheld and the work would not fall behind. The completion of five audits is proposed and the consultant blumshapiro, currently working with the BOE, is prepared to fulfill the request. After discussion, the BET voted to authorize moving forward. Mr. Mynarski indicated he would review the structure of the contract with the Audit Committee prior to moving forward.

  Upon a motion by Mr. Weisbrod, seconded by Ms. Moriarty, the BET voted 12-0-0 to authorize the Comptroller to hire an outside audit firm to perform audits until an internal auditor is employed by the Town, not to exceed $100,000 in order to complete five audits during the Calendar Year 2020. Motion carried.

**Policy & Procedures Committee** – Mr. Ramer reported that a motion had been made in the Policy & Procedures Committee, to recommend to the BET an amendment for germaneness
to the Policy & Procedures Manual related to placing an item on the Agenda by four members and such change would appear in four different areas of the Manual. There was no second to the motion. The matters will be raised again in January 2020.

**BET Liaison Reports**

**Parks and Recreation** – Ms. Fassuliotis reported on the following projects:
- **Eastern Greenwich Civic Center** – A contract with TSKP Studio, an architectural firm with offices in Hartford, has been issued for Eastern Greenwich Civic Center, and capital funds are available to develop the design and site plan in FY2020.
- **Dorothy Hamill Skating Rink** – A study of the Dorothy Hamill Skating Rink has been completed by KG&D Architects & Engineers, PC, a firm based in Mount Kisco, New York, and capital funds of $250,000 are available in the Department of Public Works budget.
- **Binney Park** – Parks & Recreation Foundation is working with the Friends of Binney Park to complete the park restoration.
- **Fireworks display for July 4th** – A vote to underwrite the display of fireworks on Independence Day was taken up and the motion carried.
- **Field Study** – Weston & Sampson, the interdisciplinary design, engineering and environmental services firm with an office in Rocky Hill, Connecticut, was selected to carry out the field study. A contract is currently being reviewed by the Law Department.

**Education** – Ms. Moriarty provided an update on the development of BOE construction project management processes. Ms. Moriarty reported that the BOE is focusing on improving the documentation and processes for BOE capital projects development and execution. Ms. Moriarty indicated that the review and recommendation for new software has been delayed due to a change in Greenwich Public School (GPS) personnel. The BOE expects to continue its review of construction project management software in the Spring.

The BOE is reviewing alternate plans on the Cardinal Stadium project at its November 21, 2019, meeting and has started its review of the FY21 Operating and Capital budget.

**Information Technology** – Mr. Turner reported that the assessment by CyberDefense of Town departments’ cyber security needs is completed and an estimate of costs for management of IT security in the future is expected.

**BET Special Project Team Reports**

**Labor Contracts** – Mr. Mason explained that under a Connecticut Statute the BOE has the authority to enter into a collective bargaining agreement with Public Service Employees Local, 136, of Laborers International Union of North America AFL-CIO (LIUNA) and the BET is not a participant in these negotiations that have been completed.

**OLD BUSINESS** –

- **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 23 Resolution). Mr. Ramer
explained that Attorney Fogerty was retained by the Town Attorney to serve as an outside
counsel for the Town and was present for the meeting. He noted that pursuant to the
September 23rd Resolution, the proposed members of the Committee had been identified
by the Chair as part of the Board packet for this meeting.

Ms. Oberlander made a motion, seconded by Ms. Moriarty, to vote to approve the
appointment of members of the Committee: Mr. William Finger (proposed
Chairman of the Committee); Mr. Bruce Angiolillo; Ms. Mareta Hamre; Mr. James
Lash; Mr. Michael Mason; and Ms. Leslie Moriarty.

The Chairman Pro Tem reminded the members that non-BET members appointed to the
Committee must be approved by the full membership of the BET. Any BET member may
make a motion to accept or to strike any individual who is a non-BET member or to sustain
or not sustain the panel as it was proposed. The BET members' privilege to strike does
not extend to striking the two sitting members of the BET who are proposed members of
the Committee.

Ms. Fassuliotis made a motion, seconded by Mr. Mason, to amend the
panel to strike the four non-BET members from the Committee (Mr. Bruce
Angiolillo; Mr. William Finger; Ms. Mareta Hamre; and Mr. James Lash) and
to add Ms. Fassuliotis and Mr. Ramer to the Committee.

The Chairman Pro Tem ruled that the motion was out of order, noting that the portion
of the motion striking the non-BET members is proper, but the addition of the proposed
current BET members is out of order.

Ms. Fassuliotis appealed the ruling of the Chairman Pro Tem.

The Chairman Pro Tem explained that the motion seeks an amendment to the September
23rd Resolution. As such, “previous notice” is required under Robert’s Rules of Order
(Robert’s Rules). The Chairman Pro Tem noted that pursuant to the BET Policy &
Procedures Manual, notice could have been given and the item placed on the Agenda for
this meeting, and that would have satisfied the previous notice requirement. There is no
dispute that such previous notice was not given, however, and the absence of the notice
has resulted in no such item on the Agenda. In the absence of the item on the Agenda,
taking up such item would violate Connecticut Freedom of Information Act (CT. Gen. Stat.
Section 1-225(c)) (CT FOIA). The item could be added to the Agenda by a two-thirds
affirmative vote, which would satisfy both CT FOIA and Robert’s Rules. The Chairman
Pro Tem cited Robert’s Rules which states that a body may not enact a resolution in
violation of a State law, and an attempt to do so is “null and void.” Attorney Fogerty was
then asked to comment, and he confirmed that CT FOIA requires a two-thirds affirmative
vote to add an item to the Agenda. Attorney Fogerty commented that the motion put
forward by Ms. Fassuliotis would not be a proper motion without a two-thirds affirmative
vote to place the item on the Agenda. Attorney Fogerty explained that pursuant to
Robert’s Rules, a member may move to strike a non-BET member, but a member may not
offer new Committee members, so the underlying ruling of the Chairman Pro Tem was
correct. The Chairman Pro Tem then ruled that he would not entertain a vote on the
appeal, because the appeal seeks to violate CT FOIA and is therefore “null and void.” A
null and void appeal would not be accorded a vote. The proponents of the appeal voiced
their objections.

BET Meeting Minutes November 18, 2019 - Approved
At the request of Ms. Fassuliotis, the Chairman Pro Tem called a 10-minute recess at 8:05 P.M. The Meeting was called to order at 8:15 P.M.

Ms. Fassuliotis, with the agreement of the seconder, withdrew the motion and then made a motion to strike the four non-BET members from the Committee. The Chairman Pro Tem advised that by striking the non-BET members, the Committee is then returned to the Chair for a determination as to how to proceed, and that the Chair may make changes to the Committee or offer an entirely new committee.

Upon a motion by Ms. Fassuliotis, seconded by Mr. Mason, the BET voted 7-5-0 on the motion to strike the four non-BET members (Mr. Bruce Angiolillo; Mr. William Finger; Ms. Mareta Hamre; and Mr. James Lash) from the Committee. (Opposed: Krumeich, Moriarty, Oberlander, Ramer, Weisbrod). Motion carried.

The Chairman Pro Tem noted that the BET had rejected the Committee and returned the meeting to the Chair.

NEW BUSINESS

- Review and vote – BET 2020 Meeting Calendar

The Chair reported that the 2020 BET Calendar will be reviewed in January and that there may be changes once new committee assignments are determined. Ms. Moriarty noted the date of the BET vote on the FY21 Budget should be reviewed to confirm there is sufficient time for the Finance Department to prepare the necessary documentation for the Representative Town Meeting (RTM).

Upon a motion by Mr. Ramer, seconded by Ms. Tarkington, the BET voted 11-0-1 to approve the BET 2020 Meeting Calendar. (Abstained: Oberlander). Motion carried.

- Vote to appoint Laura Erickson to fill the BET vacancy created by Chair, Jill Oberlander’s resignation, such appointment to be effective on December 1, 2019.

The Chair reported that she had submitted her resignation to the Town Clerk and it would take effect on November 30, 2019, and then requested that the BET members vote to appoint Ms. Laura Erickson to the BET effective as of December 1, 2019. Ms. Oberlander supported this request by noting that Ms. Erickson was duly elected by the voters in the November 2019 Election and would have taken her seat in January 2020.

Upon a motion by Mr. Ramer, seconded by Ms. Tarkington, the BET voted 12-0-0 to approve the appointment of Laura Erickson effective December 1, 2019, to fill the BET vacancy created by Ms. Oberlander’s resignation. Motion carried.

Chair’s Report

The Chair asked that BET members attend the dedication of the New Lebanon School on December 7, 2019.
Ms. Oberlander commented that it was an honor and a privilege to serve on the BET, and thanked voters for their support and trust. The Chair recognized the dedication and efforts of her fellow BET members, some of whom predated her in service to the Town, and noted that each of the members takes very seriously their fiduciary duty with respect to Town finances and works hard to find compromise to protect the Town’s interests. The Chair observed that those who served on the BET in the past had established a model of collegiality. Ms. Oberlander was honored to have the trust of each of the Board members, and thanked Mr. Mason for his guidance. The Chair took pride in the BET’s accomplishments during which the BET passed the lowest average annual increase in the Mill Rate in many years while protecting Town services the residents value and need, initiated critical strategic planning on a diverse range of topics including The Nathaniel Witherell, cyber security defense and field improvements. The BET engaged to support vital transportation services for seniors and the disabled, and entered into a joint review with the BOE to address the need to strengthen the construction management processes. The Board also entered into a dialogue with RTM members on long-term financing. Ms. Oberlander expressed her thanks to the dedicated Town employees who work to make the BET’s job easier and especially the Town Assessor’s Office and the Finance Department for their hard work, friendship and support during the last two years. Ms. Oberlander asked her colleagues to work collaboratively on the business of the BET.

The Chair advised the BET that Vice Chairman Ramer will assume the role of Chairman for the completion of the current BET term and Mr. Ramer will take the Chair’s place on the Audit Committee.

**Approval of BET Meeting Minutes:**

Board members agreed with Mr. Ramer’s request that the Minutes of the BET meeting held on October 24, 2019, be deferred until the BET’s next Regular Meeting to be held December 16, 2019.

Upon a motion by Ms. Krumeich, seconded by Ms. Tarkington, the Board voted 12-0-0 to approve the Minutes of the Workshop on the Greenwich Transportation Center Redevelopment Agreement held on September 19, 2019. Motion carried.

Upon a motion by Ms. Krumeich, seconded by Ms. Tarkington, the Board voted 12-0-0 to approve the Minutes of the Regular BET Meeting held on September 23, 2019. Motion carried.

**Adjournment**

Upon a motion by Mr. Duus, seconded by Ms. Fassuliotis, the Board voted 12-0-0 to adjourn the meeting at 8:28 P.M. Motion carried.

The next Regular Meeting of the Board of Estimate and Taxation is on Monday, December 16, 2019.

Respectfully submitted,

Catherine Sidor, Recording Secretary