

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

Monday, December 10, 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; Abby Wadler-Shin, Assistant Town Attorney

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

**1. Approval of Minutes**

Without objection the Committee agreed to take up the approval of the minutes.

Upon a motion by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee voted 2-0-0 to approve the Minutes of the Meeting of the Law Committee held on October 15, 2018, as corrected. Motion carried.

Upon a motion by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee voted 2-0-0 to approve the Minutes of the Meeting of the Law Committee held on November 15, 2018, as corrected. Motion carried.

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 November 19, 2018. Motion carried.

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

Upon a motion by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee voted 2-0-0 to go into Executive Session at 3:05 PM to discuss pending cases in litigation. Motion carried.

Upon a motion by Ms. Krumeich, seconded by Ms. Fassuliotis, the Committee voted 2-0-0 to come out of Executive Session at 3:45 PM. Motion carried.

The Committee exited the Executive Session.

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

Pursuant to a recommendation made in *the Report of the BET Special Committee on The National Witherell (TNW)*, the Law Committee received an update from the Town Attorney on the status of the title search with respect to the grantors of the various parcels that make up the property on which TNW is located. Town Attorney Fox informed the Committee that a title

search has been ordered and the Town provided information requested by the title company. An heir search would be conducted after the title search is completed.

#### 4. FY2019-2020 Budget Resolutions

- **Medicaid Reimbursement** - Attorney Wadler-Shin explained the background for the Board of Education (BOE) request to allow funds received under Medicaid reimbursement for special education to be added to the appropriate account. The BOE is requesting a Resolution which will streamline the processing of Medicaid reimbursement for special education payments. The Committee requested additional information as to whether this is the appropriate procedure for receipt of these Medicaid funds.
- The Town Attorney discussed a proposed Resolution to allow the Comptroller to pay out of the Risk Fund directly to an opposing party a final judgment awarded by a Court without seeking approval from the BET and/or RTM. The Town Attorney explained the difference between a final judgment ordered by the Court in a legal action and a settlement agreed to by the parties. An issue remains as to whether or not in the event that an insurance carrier negotiates a reduction of a Court judgment in order to settle a legal action, this would constitute a settlement requiring an approval of the RTM Claims Committee, the BET Law Committee and the BET in order to pay out the funds from the Risk Fund. Town Attorney Fox is of the opinion that it is still a judgment that would not require approval of the RTM and BET Committees. A draft Resolution will be submitted to the Committee for consideration.

#### 5. Adjournment

Upon a motion by Ms. Fassuliotis, seconded by Ms. Krumeich, the Committee voted unanimously to adjourn the meeting at 3:56 PM. Motion carried.

The next Regular Meeting of the Law Committee will be held on Monday, January 14, 2019, at 3:00 PM in the Law Department Conference Room.

Respectfully submitted,



Karen, Fassuliotis, Recording Secretary



Elizabeth K. Krumeich, Chair