

Board of Finance Regular Meeting

May 9, 2024 6:00 PM

Meeting Held Remotely

Call to Order: Chairman Michael Imber called the meeting to order at 6:01 pm. Also in attendance were BOF Vice Chair Jeffrey Farr, Rone Baldwin, Christopher Bryant, Theresa Brasco, Amy Gare, Jeffrey Goldstein, First Selectwoman Samantha Nestor, Town Administrator Karl Kilduff, Finance Director Rick Darling, Nick Bamonte, Esq. Bercham Moses.

Discussion/decision regarding the fiscal year 2024-25 capital budget (if the ballot recount confirms either a tie or a “NO” vote on the capital budget). Mr. Imber opened the meeting with a recap on the ATBM/referendum vote. Over 300 residents attended the ATBM resulting in reducing the town operating budget by more than \$300,000 and reducing the capital budget by more than \$1 million. Over 1,400 voted for the ATBM referendum April 24th and May 4th resulting in the reduced town operating budget as set at the ATBM. The Capital budget resulted in a tie vote of 716 for/against. Recount confirmed a tie vote. Mr. Imber discussed that the BOF received 15 emails with respect to interpretation of the town charter on tie votes and noted that only the legal interpretation from TOW attorney would be considered to guide the BOF. Mr. Bamonte, Esq. discussed that the Capital Improvement budget as submitted did not pass due to a tie vote. Pursuant to the Town Charter procedure for the Annual Town Budget, the Capital Improvement Budget must now go back to the BOF for reconsideration and then re-vote by the Qualified voters via machine ballot. Mr. Bamonte reviewed Article 7 and Article 9 of the Town Charter.

Mr. Bamonte further discussed Weston’s Town Charter tie vote for ATBM referendum and Elections. Article 7.5 applies more generally to the resolution of a tie vote at a town meeting referendum and calls for a revote at a later date, that section does not apply to the specific process for the approval of the Annual Town Budget which is set forth in Article 9. Article 9 takes precedence over section 7.5. Mr. Bamonte noted that the bottom line is that Article 9 does not recognize a tie vote and under this section a tie is a rejection.

Mr. Imber asked for BOF comment. Mr. Farr asked what the specific question was that Mr. Bamonte was asked to opine on. Mr. Bamonte confirmed that the question was does the tie vote legally go back to the BOF under 9.6 and 9.7?

Ms. Brasco asked for clarification on specifically who can issue legal opinions on the town charter stating that Ira Bloom individually was hired as Town Attorney and should issue legal decisions under our town charter. Opinions issued by other attorney’s at Bercham Moses does not have standing. Discussion ensued on who can issue legal interpretation and opinion of the Town Charter for Bercham Moses. Ms. Brasco went on record stating there is a legal question as to whether under charter the town attorney works for Bercham Moses or the attorney is Ira Bloom and he is the legal advisor.

Mr. Imber moved to a discussion and vote: Discussion on removal of \$606,171 for the fire suppression system and also reducing the \$189,312 of lease expense associated with the portables yielding cuts of \$795,000 from the total net budget. Mr. Imber discussed restoring \$450,000, which represents \$225,000 for sidewalks and \$150,000 for engineering for planning and \$75,000 for the BOE LED audit.

Mr. Imber asked for a motion to add \$450,000. Motion made by Mr. Bryant, second by Ms. Gare. Mr. Imber asked for any discussion. Discussion continued by BOF on voting procedures. Mr. Imber called the question. 4 yes, 3 no, motion carries 4-3.

Mr. Imber asked for a motion to modify the debt service budget with a reduction of \$189,312 related to the lease payments of the modulars. Motion made by Mr. Bryant, seconded by Ms. Gare. All in favor, motion carries unanimously.

Mr. Darling confirmed the total budget going back to a vote on the capital budget is \$3,280,475.

Discussion/decision regarding selection of the Town auditor. Rick Darling, Finance

Director. Mr. Darling discussed the RFP that was issued for auditing services, receiving only one from incumbent CLA which was slightly higher than budgeted.

Discussion on CLA having been TOW auditors for the past 8 years and discussion on asking for a different auditor within CLA was reviewed. Services offered by CLA was also discussed. RFP procedures and the requirement for a waiver was reviewed since three bids were not received.

Mr. Imber asked for a motion to accept Clifton Larson Allen's proposal as auditor subject to receiving a waiver. Motion made by Mr. Baldwin, seconded by Mr. Farr. All in favor, motion carries unanimously.

Discussion/decision regarding the approval of the Tax Collector's suspense list. Cathy

Neblett, Tax Collector. Ms. Neblett discussed the CT state statute for transferring delinquent grand list motor vehicle and personal property bills to the suspense list. Outstanding 2018 grand list mv and personal property bill were reviewed. Ms. Neblett noted that while on the suspense list, collections are still actively pursued for payment by the tax collector's office and the collection agency, TaxServ. Mr. Imber asked for a motion to approve the uncollectibles and transfer to the suspense list. Motion made by Mr. Goldstein, seconded by Mr. Farr. All in favor, motion carries unanimously.

Discussion regarding the Town's financial update. Rick Darling, Finance Director. Mr. Darling gave an update on General Fund Year End Highlights for FY 23/24 and discussed adjustments. Update on general revenue, expenditures, were reviewed. Tax Unassigned fund balance is estimated at 23.8% of the FY 24 budget with the % of the FY25 to be determined. Mr. Darling pointed out that this reflects the LMR \$4.5 million appropriation with the recent \$963,000 funding received for the LMR. This grant has the effect of increasing the forecast by 1.2%

Discussion/decision regarding the approval of minutes from the April 2nd public hearing, and the meetings of April 4th, April 8th and April 11th. Mr. Imber asked for a motion to approve the April 2, 2024 BOF Public Hearing tabled minutes. Motion made by Mr. Farr, seconded by Ms. Brasco. Mr. Baldwin and Mr. Goldstein abstain. Motion passes. Mr. Imber asked for a motion to approve the April 4, 2024 Special BOF minutes. Motion made by Mr. Bryant, seconded by Mr. Goldstein. All in favor, motion passes unanimously. Mr. Imber asked for a motion to approve the April 8, 2024 Special BOF minutes. Motion made by Mr. Goldstein, seconded by Mr. Farr. All in favor, motion passes unanimously. Mr. Imber asked for a motion to approve the April 11, 2024 BOF minutes. Motion made by Ms. Brasco, seconded by Mr. Bryant. Mr. Baldwin abstains. Motion passes.

Adjournment: Mr. Imber asked for a motion to adjourn. Motion made by Ms. Brasco, seconded by Mr. Bryant. Motion passes unanimously. Meeting adjourned at 7:28 pm.

Respectfully Submitted, Shawn Amato, Recording Secretary