

Weston Board of Finance Members
Jeffrey Farr, Vice Chair
Theresa Brasco

May 1, 2025

Weston Board of Selectmen

Samantha Nestor, First Selectwoman
Tony Pesco, Selectman
Kerem Dinlenc, Selectman

Weston Board of Finance

Michael Imber, Chairman
Rone Baldwin, Member
Chris Bryant, Member
Jeff Goldstein, Member
Daniel Gershburg, Member
(sent via westonct.gov email)

Dear Members of the Weston Board of Selectmen and Weston Board of Finance,

While we appreciate the invitation to meet with the Town of Weston legal counsel in a private non-quorum meeting on Tuesday, May 6th, we must decline the invitation.

We are writing to formally reiterate our multiple requests for a public meeting with the Town Attorney to discuss important concerns about potentially impermissible transfers by the First Selectwoman of over \$450K within and between town departments without the necessary Board of Finance approvals. As you know, we have been asking for over six months for the Town Attorney to attend a Board of Finance meeting to discuss these serious concerns. The Board of Finance Chairman and the First Selectwoman have refused our repeated requests and only offered a private "off the record" meeting with the Town Attorney and a legal opinion that was non-responsive to our questions.

The refusal of the Board of Finance Chairman and the First Selectwoman to permit an open and transparent discussion of these issues is extremely concerning and appears to be part of a larger pattern of resistance to questions around these troubling transfers.

We are also extremely concerned that this pattern of town charter non-compliance may now have extended to the town's recent ATBM meeting. At the start of the meeting, the meeting moderator outlined a different procedure for the meeting than what is required under the charter and has been used historically. Specifically, the new procedure eliminated the ability for qualified voters to move to reduce specific line items in the budget, an important right in the charter that allows taxpayers to have direct input into the town budgeting process.

Rather than explain this change in a transparent manner, the meeting moderator simply described the new procedures without specifying that they were different from what has been used in prior years. When we the undersigned approached attorney Nicholas Bamonte to question the validity of these new procedures, he told us to "sit down" and stated "this isn't the time for this."

Most shockingly, after the meeting had started, when several residents highlighted that the rules were different than what is required under the charter and what had been used in past years, the moderator and Mr. Bamonte first claimed that the procedures were exactly the same as prior years.

When pressed further, Mr. Bamonte grudgingly admitted that the rules were in fact different, but refused to explain why the town was suddenly using new rules, how these new rules complied with the charter

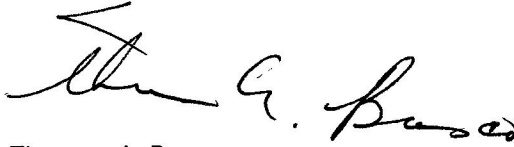
requirements, or to allow any further discussion of the question. As no legal justification was provided for this change, we would also ask that the Town Attorney address this issue at a public meeting.

We sincerely hope that the First Selectwoman and the Board of Finance Chairman will treat these matters with the seriousness they deserve and allow a long overdue public conversation with the Town Attorney.

Sincerely,



Jeffrey Farr
Vice Chair
Weston CT Board of Finance



Theresa A. Brasco
Member
Weston CT Board of Finance

Attachments:

Exhibit A "Board of Finance Timeline – Transfer Questions Town Charter"

Exhibit B "Questions for Weston Town Attorney"

Exhibit C "Salary Related Transfers Fiscal 2024"

Cc: Ira W. Bloom, Esq., Town Attorney
Nicholas R. Bamonte, Esq.
Karl Kilduff, Town Administrator

Board of Finance Timeline – Transfer Questions Town Charter (Exhibit A)

Meeting	Issue Raised by Member(s)	Process and/or Follow Up
<p>Regular Meeting October 10, 2024 Agenda Item 6</p> <p>Meeting Materials available on westonct.gov Board of Finance Agendas and Minutes</p> <p>Discussion starts on meeting video at 1:09:47</p>	<p>Clarification required for BOF compliance with approval authority for line item transfers made and expended during the year as designated in Town Charter Section 9.10.</p> <p>Brasco: video time 1:15:01 to 1:16:36; 1:17:23 to 1:17:37; and 1:22:48 to 1:24:45 Baldwin: video time 1:18:00 to 1:19:42; and 1:21:06 to 1:21:33</p> <p><u>Note:</u> Such line item transfers expended during FY2024 and included in year end accounting reconciliation totaled \$546,128 (Meeting materials Item 6, pages 23-29), of which \$299,120 were salary related without BOF oversight and approval. (Exhibit C)</p>	<ol style="list-style-type: none"> 1. Vote on year end accounting transfers tabled pending an opinion from counsel on questions raised (Imber video time 1:23:39 to 1:24:20) 2. <u>Chairman Imber</u> requested specific questions by email from Brasco to “avoid misinterpretation of (her) question or questions” in First Selectwoman (cc’d) follow up with Town Counsel 3. Brasco emailed (“reply all” to Imber and Nestor) four specific questions drafted with input from BOF board members Baldwin and Farr (Exhibit B)
<p>Regular Meeting November 14, 2024 Agenda Item 5</p> <p>Meeting Materials available on westonct.gov Board of Finance Agendas and Minutes</p> <p>Discussion starts on meeting video at 1:06:46</p>	<p><u>Brasco:</u> (video 1:07:58) Email response from Town Attorney Bloom answered none of the questions she submitted (Exhibit B), but rather a question submitted by the Town Administrator with respect to year end accounting reconciliation. (video 1:11:48) Were her questions submitted to the Town Attorney? (video 1:13:54) Why wouldn’t anyone that is in the chain of approval process want clarification on this? (video 1:14:03) Does the knowledgeable (should be “knowingly”) carveout continue once this issue has been raised at the BOF level?</p> <p><u>Farr:</u> (video 1:09:30) Movement of monies within or between departments during the fiscal year requires involvement of the BOF at that time, not after the end of the year when the monies have already been expended. Especially if monies have been spent which create an ongoing expense in all future fiscal years. (video 1:27:27)BOF compliance with its oversight responsibilities for transfers adds an element of accountability to the Department Heads’ responsibility for management of their budgets.</p>	<ol style="list-style-type: none"> 1. <u>Imber:</u> (video 1:16:22) Is an opinion of counsel being sought (his cost estimate \$5-10K) from Town Counsel? 2. <u>Baldwin:</u> (video 1:17:54) When questions have been asked of the Town Attorney, answers provided were unresponsive to our questions. A better approach would be to have a discussion with counsel where they prepare based on our questions. 3. <u>Imber:</u> (video 1:29:06) Will forward the questions again to Town Administrator and First Selectwoman and will specify that the BOF needs to have a conversation with counsel. Suggested executive session, which was objected to by Brasco on the basis that knowledge of this process would be of benefit to all boards and town officials in the chain of approval, as would the taxpayers to whom we are responsible and whose interests we represent. Imber will inquire.

Board of Finance Timeline – Transfer Questions Town Charter (Exhibit A)

Meeting	Issue Raised by Member(s)	Process and/or Follow Up
Regular Meeting November 14, 2024 Agenda Item 5 (continued)	<u>Baldwin</u> : (video 1:20:30) The Charter did not give the First Selectman the right to transfer funds without having a check and balance where both the BOS and BOF approvals are required. In the interest of all Town boards, change is required for the process going forward to ensure review and rigor of these actions before they are taken.	
Special Meeting November 26, 2024 Only Agenda Item Discussion starts at beginning of video	<p>(Video starting at 10:15) Meeting was held with Berchem Moses Mssrs. Bloom and Bamonte to discuss the questions raised at the October 10 meeting which persisted through the November 14 meeting. Attendees: First Selectwoman Nestor, BOF Chair Imber, Town Administrator Kilduff and Director of Finance Darling. As summarized, the focus of this discussion with counsel seemed to be the accounting of year end transfers.</p> <p>(Video starting at 21:07) Focus of questions raised in prior two BOF meetings were not about year-and transfer accounting mechanics but rather the multiple transfers within the year that resulted in such accounting. Clarity was requested on BOF responsibility for review and approval of transfers within and between appropriations in compliance with the Town Charter. Questions have been repeatedly raised by multiple members of the Board on this and a clearly articulated process has not been established.</p>	<p>(Video starting at 33:18) Motion made and seconded to approve the year-end fund transfers as presented in the October 10, 2024 meeting.</p> <p>Motion Pass 4-2</p>
Special Meeting January 9, 2025 Agenda Item 3 Meeting Materials available on westonct.gov Board of Finance Agendas and Minutes Discussion starts on meeting video at 34:31	<p>(Video starting at 34:44) Berchem Moses is going to render an opinion of counsel on the transfer questions raised by the next Board of Finance meeting in February. <u>Farr</u> (video starting at 35:46) wants to clarify that the questions being addressed are transfers that occur during the fiscal year as opposed to reconciliation account transfers that are done after the end of the fiscal year.</p> <p><u>Baldwin</u> (video starting at 36:46) We requested to have a discussion with the attorney about specific issues and questions and want clarification on those. We are concerned that the legal opinion will not address our specific legal questions in this opinion.</p>	<p><u>Kilduff</u> (video starting at 38:16): Counsel has been provided with the questions Brasco provided.</p>

Board of Finance Timeline – Transfer Questions Town Charter (Exhibit A)

Meeting	Issue Raised by Member(s)	Process and/or Follow Up
<p>Special Meeting February 19, 2025 Agenda Item 3</p> <p>Discussion begins on meeting video at 25:20</p>	<ol style="list-style-type: none"> 1. Berchem Moses opinion memorandum addresses accounting of year end reconciliation of transfers but not BOF compliance with oversight and approval responsibilities under the Charter for actions taken during the year which have resulted in line item appropriation transfers within and between departments for expenditures made during the year: <u>Farr</u>: video time 32:11 to 33:20 <u>Baldwin</u>: video time 33:46 to 40:50; 41:26 to 42:50; and 1:02:38 to 1:03:09 <u>Brasco</u>: 48:07 to 50:30; 53:04 to 53:18; 53:26 to 53:36; 54:40 to 55:59; 56:57 to 1:02:37; and 1:05:50 to 1:06:53 <u>Imber</u>: 56:04 to 56:55; and 1:05 to 1:06:55 2. Request for full BOF conversation with Town Attorney to discuss transfer process and BOF responsibilities for compliance with its oversight and approval responsibilities under the Charter: <u>Baldwin</u>: video time 40:49 to 40:58 <u>Brasco</u>: video time 46:28 to 48:07 <u>Farr</u>: video time 1:07:04 to 1:08:22 3. Berchem Moses opinion address of BOF compliance with required oversight and approval for transfer actions: Clarified: Ravenwood Water Project (9.10(d): \$50K transfer should not offset supplemental appropriation <u>Brasco</u>: video time 50:48 to 51:33 and 1:03:38 to 1:04:50 <u>Imber</u>: video time 1:03:11 to 1:04:50 	<p>Counsel was unavailable to participate in this meeting, but would be willing to meet with a few BOF members that wouldn't constitute a quorum <u>Imber</u>: video time 40:50 to 41:15</p>

Board of Finance Timeline – Transfer Questions Town Charter (Exhibit A)

Meeting	Issue Raised by Member(s)	Process and/or Follow Up
Special Meeting February 19, 2025 Agenda Item 3 continued	<p>Intradepartmental Transfers (Charter Section 9.10 (c)): specifies that BOF approval must be first be obtained <u>Baldwin</u>: video times 37:27 to 38:40; 39:27 to 39:55 and 46:00 to 46:25 <u>Brasco</u>: video time 51:34 to 52.45 Not Clarified:</p> <p>Interdepartmental Transfers (Charter Section 9.10 (d)): <u>Baldwin</u>: video time and 34:30 to 37:24; 40:11 to 43:14 and 44:48 to 46:00 <u>Imber</u>: video time 43:15 to 44:47 <u>Brasco</u>: video time 52:45 to 52:58</p> <p>Four Questions Specified in Exhibit B (Sent to Berchem Moses to address) Question 1: partially answered Question 2: answered Question 3: not addressed at all Question 4: not addressed at all</p> <p>Quality of Berchem Moses Opinion: <u>Brasco</u>: video starting 55:00 Opinion does not address the actions that the BOF is required to take to comply with its oversight and approval authority</p>	

1. Is the Board of Finance (“BOF”) obligated to and responsible for reviewing and approving:
 - a. transfers within departmental appropriations established in the approved Annual Town Budget for one specific purpose to another and
 - b. increases in departmental appropriations from those in the approved Annual Town Budgetprior to those appropriations or transfers being implemented during the fiscal year as set forth in Sections 9.10 (c) and (d) of the Town of Weston Charter (“Charter”) and subject to Section 9.9 of the Charter? Note language in 9.10 (c) “must first obtain”.
2. In the last three months of the fiscal year, please confirm that Board of Selectman (“BOS”) and BOF approval authorities of surplus fund appropriation transfers are limited to the funding purposes for which the receiving department, Board or Commission was authorized to expend its appropriation during the fiscal year, as set forth in Section 9.10 (d) of the Charter. Since the approval authority is defined as “within” the last three months of the Fiscal Year, what is the final date for the BOF to approve such transfers?
3. Item 6 of the BOF 10/10/24 Regular Meeting Agenda is “Discussion/decision regarding approval of fiscal year 2024 line item transfers”. Agenda and Backup materials are included for Town Attorney reference.

If the BOF approves this transfer as presented and it has not been in compliance with its responsibilities and/or the limitations specified in Sections 9.10 and 9.9 of the Charter, is it giving implied or tacit approval to flawed compliance with these provisions?

4. Which entity, Elected or Town Official is responsible for assuring approval review and authority compliance with provisions 9.9 and 9.10 of the Charter? Does this responsibility extend to establishing processes to facilitate such compliance?

Note added January 30, 2025: Questions were requested by email from BOF Chairman Michael Imber (Samantha Nestor cc'd) Friday 10/11/2024 at 2:57 pm for Ms. Nestor to “follow up with Counsel next week”. An email responding with these specific questions from Theresa Brasco was sent to Mr. Imber (Samantha Nestor cc'd) Sunday 10/13/2024 at 9:01 pm. Receipt acknowledged Monday 10/14/2024 8:50 am.

Fiscal Year 2024

Weston Fiscal Year 2023-24 Ending June 30, 2024								
Salary Transfers over \$5,000 Within Departmental Line Item Appropriations (Charter Section 9.10 (c))		From Line Item Appropriation (Account/Acct #)	From ATBM Appropriated Amount	To Line Item Appropriation (Account/Acct #)	To Actual Amount Expended	\$ Increase (Decrease)	% Increase (Decrease)	
Town of Weston Department (Dept. Number)								
Administration & Finance (0110100)	Part-Time Salaries/ 50103	29,290.51	Salaries & Wages/ 50101	31,325.08	2,034.57	7%		
Assessor (0110143)	Part-Time Salaries/ 50103	59,168.58	Salaries & Wages/ 50101	59,142.49	(26.09)	0%		
Canine Control (0120250)	Part-Time Salaries/ 50103	8,226.60	Salaries & Wages/ 50101	26,228.02	18,001.42	219%		
Police Services (0120210)	Salaries & Wages/ 50101	10,093.65	Overtime/ 50102	21,070.14	10,976.49	109%		
Communications Center (0120260)	Salaries & Wages/ 50101	19,679.25	Overtime/ 50102	26,303.69	6,624.44	34%		
Public Works (0130300)	Part-Time Salaries/ 50103	7,250.00	Salaries & Wages/ 50101	57,252.34	50,002.34	690%		
Total Intradepartmental Salary Related Transfers		133,708.59		221,321.76	87,613.17	66%		
Additional Salary Line Item Appropriations over \$5,000 not included above (Charter Sections 9.9 and 9.10 (d))								
Land Use (0100170)	n/a	-	Part-Time Salaries/ 50103	60,013.95	60,013.95	n/a		
Social Services (0150600)	n/a	-	Salaries & Wages/ 50101	9,393.80	9,393.80	n/a		
	n/a	-	Part-Time Salaries/ 50103	8,390.44	8,390.44	n/a		
Total Interdepartmental Salary Related Transfers				77,798.19	77,798.19			
Total		133,708.59		299,119.95	165,411.36	124%		
Sources: (1) 2023-24 ATBM Meeting Materials and (2) October 10, 2024 BOF meeting Back Up Materials, Agenda Item 6								