



TOWN OF LEDYARD
CONNECTICUT
TOWN COUNCIL
HYBRID FORMAT

741 Colonel Ledyard Highway
Ledyard, CT 06339
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<http://www.ledyardct.org>
Roxanne M. Maher
Administrative Assistant

Chairman S. Naomi Rodriguez

MINUTES
ADMINISTRATION COMMITTEE
REGULAR MEETING

Wednesday, September 11, 2024

5:30 PM

Town Hall Annex Building

DRAFT

- I. CALL TO ORDER – The Meeting was called to order by Councilor Garcia-Irizarry at 5:31 p.m. at the Council Chambers Town Hall Annex Building.

Councilor Garcia-Irizarry welcomed all to the Hybrid Meeting. She stated for the Town Council Administration Committee and members of the Public who were participating via video conference that the remote meeting information was available on the Agenda that was posted on the Town's Website – Granicus-Legistar Meeting Portal.

II. ROLL CALL-

Attendee Name	Title	Status	Location	Arrived	Departed
April Brunelle	Town Councilor	Present	In-Person	5:31 pm	6:29 pm
Kevin Dombrowski	Town Councilor	Present	In-Person	5:31 pm	6:29 pm
Carmen Garcia-Irizarry	Committee Chairman	Present	In-Person	5:31 pm	6:29 pm
S. Naomi Rodriguez	Town Council Chairman	Present	In-Person	5:31 pm	6:29 pm
Jessica Buhle	Town Councilor	Present	In-Person	5:31 pm	6:29 pm
Fred Allyn, III	Mayor	Present	In-Person	5:31 pm	6:29 pm
Kristen Chapman	Mayor's Executive Assistant & Social Services Coordinator	Present	In-Person	5:31 pm	6:29 pm
Gary Schneider	Permanent Municipal Building Committee Chairman	Present	In-Person	5:31 pm	6:29 pm
Barbara Kil	Resident	Present	In-Person	5:31 pm	6:29 pm
Whit Irwin	Resident	Present	Remote	5:30 pm	6:29 pm
Roxanne Maher	Administrative Assistant	Present	In-Person	5:30 pm	6:29 pm

III. CITIZENS COMMENTS

Ms. Barbara Kil, 50 Seabury Avenue, Gales Ferry, stated she has been a Ledyard resident for forty-five years. She noted that she was present this evening to address the following two items on tonight's Agenda:

- (1) Flying Third Party Flags – Ms. Kil stated she endorsed flying the United States of America Flag and the State of Connecticut Flag, as it has been the town's past practice. She stated the other options that were mentioned seemed to be discretionary, and therefore, she stated that they should leave the discretionary flags out.

- (2) Establishing an Ethics Commission – Ms. Kil stated that she believed the town already had documentation that addressed “*Ethics*”, noting that the Town Charter and the Employee Handbook both addressed ethical issues. She stated that it was difficult to get residents to volunteer to serve on town committees. Ms. Kil stated unfortunately she would not be able to stay to hear the discussion regarding these two Agenda Items because she had to attend another meeting this evening.

Mr. Whit Irwin, 2 Winfield Way, Ledyard, attending remotely, noted that he was present this evening to talk about New Business Item #3 regarding the flying of *Unofficial Third-Party Flags* on town property. He stated it was his understanding this topic had been referred back to the Administration Committee to die. However, he stated that he was astounded, flabbergasted, a gassed, bewildered, and befuddled that this was on the Agenda this evening. He stated when the flying of *Official Third-Party Flags* was brought up at the June 12, 2024 Town Council meeting that he was outwardly against it, and he conveyed that to the Town Council, noting that he continued to remain against it. He stated that he believed the standard “*Stars and Stripes*” represented 100% of all Americans; and the State of Connecticut Flag represented 100% of all Connecticut Residents; and the POW - MIA and other Military Flags was a representation of American Citizens who signed on the dotted line for an amount up-to and including their lives for 100% of the rest of us. He stated no other Flag included everybody the way that these Flags included Americans. He stated to ask for any other Flags to be flown was excluding some portion of the population. He urged the Town Council to continue the town’s practice of what they have been doing; and that they let this idea die in Committee. He stated should the Town Council decide to do anything else that he would challenge every member of the Town Council to explain to the residents of Ledyard why they were supporting excluding some portion of our population. He challenged the members of the Town Council to make it plain to the residents as to why they were continuing to pursue Policies of Dis-Unity and Divisiveness. He stated if they continued to pursue anything other than the current policy that it was 100% ridiculous to the rest of us. Thank you.

Councilor Garcia-Irizarry thanked the residents for their comments this evening.

IV. PRESENTATIONS/INFORMATIONAL ITEMS – None.

V. REVIEW AND APPROVAL OF PRIOR MEETING MINUTES

MOTION to approve the Special Meeting & Work Session Minutes of July 24, 2024

Moved by Councilor Dombrowski, seconded by Councilor Brunelle

VOTE: 3 – 0 Approved and so declared

VI. OLD BUSINESS

1. MOTION to recommend the Town Council adopt proposed Amendments to Ordinance #100-015 (rev.1) “*An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard*” as presented in the updated draft dated **July 24,**

September 11, 2024 to include language as recommended by the Board of Education.

DRAFT ~~7/24/2024~~ **September 11,** 2024

Ordinance # 100-015 (*rev.1*)

AN ORDINANCE ESTABLISHING
A PERMANENT MUNICIPAL BUILDING COMMITTEE
FOR THE TOWN OF LEDYARD

Be it ordained by the Town Council of the Town of Ledyard

Section 1. Authority

Pursuant to Chapter IV, Section 7 of the Town Charter, a Permanent Municipal Building Committee is hereby established.

Section 2. Purpose

The Permanent Municipal Building Committee shall have continued responsibility for the execution of ~~major-select~~ construction and maintenance projects for the Town of Ledyard *as assigned by the Town Council*. The Permanent Municipal Building Committee will oversee and supervise the design, construction, renovation, demolition and removal of Town and Board of Education buildings *that fall within the approved budget*, as well as any significant installation, renovation or upgrade of service equipment and major systems as provided herein.

The Permanent Municipal Building Committee may have responsibility for the execution of buildings or infrastructure projects associated with the provisions of water and/or sewer, if deemed appropriate by the Town Council.

For projects whose total project cost is estimated to exceed \$500,000, an Owner's Representative and/or Consulting Engineer shall be hired through a quality-based selection process to assist the Permanent Municipal Building Committee with management and oversight of such project(s). The Owner's Representative or Consulting Engineer shall not have authority to make decisions, approvals, or otherwise act on behalf of the Permanent Building Committee unless specifically designated to do so by contract. The Owner's Representative or Consulting Engineer shall be required to have the requisite experience, knowledge, qualifications, personnel and capacity necessary to manage such a project.

The selection of an Owner's Representative or Consulting Engineer shall be publicly advertised through a Request for Proposal to solicit proposals from interested parties. The Request for Proposal shall provide a clear scope of services that specifies the roles and responsibilities of the Owner's Representative or Consulting Engineer. Where possible, it shall clearly specify the level of oversight during construction so that proposals from multiple firms can be clearly leveled during the evaluation process.

The selection of the Owner's Representative or Consulting Engineer shall be awarded to the firm that provides the best value to the Town of Ledyard. The best value is defined as the firm providing the highest quality, expertise, and knowledge for the proposed project. This shall also include the quality of referrals from a minimum of three references provided by the proposers. It shall also consider the fee for the work; however, the fee shall not be the sole basis for award.

When a project involves the purchase of replacement equipment costing more than \$500,000, a waiver to bypass the solicitation of bids for the engagement of an Owner's Representative or Consulting Engineer may be approved by the Town Council; as requested by the Permanent Municipal Building Committee prior to purchase and installation of the equipment.

The Permanent Municipal Building Committee shall comply with provisions provided in Ordinance 200-001 (rev.1) (An Ordinance for Purchasing) with regard to the competitive bid process; and shall interview a minimum of two firms prior to selection. Should only one firm be determined qualified to perform such work, the Permanent Municipal Building Committee may request a waiver for such a requirement should the firm's proposal be reasonable for the proposed scope of work.

The Permanent Municipal Building Committee shall make a written recommendation to the Town Council for the award of such services. The recommendation shall include a summary of proposers, a weighed ranking sheet for the selection, and reasons why the Permanent Municipal Building Committee is recommending such a firm. The final decision of award will lie with the Town Council. The Town Council possesses the authority to reject the recommendation and refer it back to the Permanent Municipal Building Committee for further action relative to making another recommendation for the award of such services in the best interest of the Town of Ledyard.

Where external funding sources are used to fund the project, such requirements of the funding authority shall apply to the selection process as well. Where conflicts occur between this ordinance and the funding authority's requirements, the most stringent requirement(s) shall be applicable as determined by Mayor or their designee.

The Requests for Proposals for Owner's Representatives or Consulting Engineers is subject to review by the Town Director of Finance. The Director of Finance is responsible for ensuring that all required local and state purchasing requirements are met and that all insurance requirements are included in the Request for Proposal.

From time to time, the Permanent Municipal Building Committee may be asked to undertake certain studies or projects by the Town Council. In case of multiple projects, the Town Council may form a separate building committee for a particular project.

Section 3. Membership

The Permanent Municipal Building Committee shall consist of the following members appointed by the Town Council:

Regular Members: Five (5). These members, to the extent possible, shall include those with experience in finance, engineering, architecture, project management, or the **building trades**. They shall be appointed *by the Town Council* for a term of three (3) years.

Temporary Members: For each municipal project, up to two (2) temporary members who are a member or representative of the Proposing Body shall be appointed by the Town Council.

For Board of Education projects, at least one *of their two* temporary members shall be ~~the~~ a Board of Education **Chairman or their designee** ~~member.~~ *Board of Education Temporary Members shall be appointed by the Town Council.*

Temporary Members shall serve for the term of the project they have been appointed for.

Temporary members shall have the right to vote on the activities of the Permanent Municipal Building Committee only with respect to the particular project for which such members were appointed.

Ex-Officio Members: The Town Finance Director, *Public Works Director*, Board of Education Business Manager and/or his designee, *Board of Education Director of Facilities and Grounds*, Town Engineering Technician, Town Planner and the Permanent Municipal Building Committee's Town Council Liaison shall be non-voting ex-officio members.

Quorum: A quorum shall consist of a majority of *Regular* voting members.

Section 4. Terms of appointment

Regular members shall be appointed by the Town Council for a term of three (3) years. Members shall commence to serve their terms immediately upon appointment and shall serve until their successor has qualified or they have been reappointed or removed by the Town Council.

Any vacancy in the Permanent Municipal Building Committee other than by expiration of term shall be filled for the unexpired portion of the term by the Town Council. The Town Council may remove members for cause and fill the vacancy per Chapter IV, Section 6 of the Town Charter.

Cause for removal shall include, but is not limited to, unexcused absence from three (3) consecutive regular meetings and any intervening duly called special meeting.

Any member of the Permanent Municipal Building Committee who is absent from three (3) consecutive regular meetings and any intervening duly called special meetings shall be considered to have resigned from the Permanent Municipal Building Committee. The vacancy shall be filled as herein before provided. Additionally, the Permanent Municipal Building Committee may vote to waive the requirements of this section in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements of this action.

It shall be the responsibility of the Chairman of the Permanent Municipal Building Committee to notify the Town Council when a member has not properly performed his duties.

Annually, the regular members of the Permanent Municipal Building Committee shall elect a Chairman, Vice Chairman and Secretary. Any vacancy in any such office shall be filled by the Permanent Municipal Building Committee from its regular membership.

Section 5. Powers and Duties

The Permanent Municipal Building Committee is authorized to develop design plans and drawings for municipal building projects directed by the Town Council, primarily in accordance with the Town's Capital Improvements Projects List.

The Permanent Municipal Building Committee is authorized to recommend to the Mayor to retain the services of architects and/or engineers for the purpose of planning, designing, building and administrating major capital projects. The process shall utilize a quality-based selection similar to that outlined in Section 2 for the Owner's Representative or Consulting Engineer. Such selection shall be based on experience, knowledge, capacity and expertise as well as the fee for performing such work.

~~The Permanent Municipal Building Committee is authorized to interview architects and/or engineers for the purpose of planning, designing, building and completing municipal building projects, and based on said interviews and cost estimates, to hire suitable candidates.~~ *When an Owner's Representative is required for the project, the Permanent Building Committee shall provide a recommendation for the hiring of an Owner's Representative prior to selecting the architect and/or engineer, so that the Owner's Representative may assist with the development of the Request for Proposal, the selection process, project control budgets, project schedules, contracts and other material necessary to properly solicit comprehensive proposals by interested firms.*

The Permanent Municipal Building Committee is authorized to develop schedules and ~~cost estimates~~ *budgets* for municipal building projects. *However, when an Owner's Representative is required, the Owner's Representative shall be responsible for drafting such schedules and budgets; and shall be approved by the Permanent Municipal Building Committee. The Owner's Representative shall also be responsible for developing a project cash flow projection for review by the Town Director of Finance, as approved by the Permanent Municipal Building Committee.*

The Permanent Municipal Building Committee is authorized to recommend to the Mayor the execution of municipal building project contracts as may be approved by the Town Council.

The Permanent Municipal Building Committee shall have authority over all change order requests. The Permanent Municipal Building Committee shall also coordinate all applications for grants and other financial assistance documents *except for school construction grants through the Department of Education. Such grant applications are the responsibility of the Superintendent of Schools and the Board of Education.* The Permanent Municipal Building Committee shall submit change orders and grants/financial assistance documentation to the appropriate authority in a timely manner and with timely notification to the Town Council. The Town Council is the authority to modify or change the scope of the project.

The Permanent Municipal Building Committee shall at least quarterly report its activity to the Town Council and to the Proposing Body, if applicable; and shall submit a final report upon completion of each project. The Permanent Municipal Building Committee is also authorized to conduct periodic reviews and audits of the physical condition of all municipal and school buildings and grounds, including service equipment and major systems and make recommendations to the Town Council for inclusion into the Town's Capital Improvements Projects List and should work with the Mayor's Office and the appropriate boards and commissions and agencies.

It is understood that the agencies assigned responsibility for specific buildings, grounds, capital, and facilities shall assess, prioritize, seek funding and actively support administration of projects assigned to the Permanent Municipal Building Committee.

The Permanent Municipal Building Committee shall, with assistance from the Proposing Body ensure that projects are completed, including the close-out of required reports, in a timely manner.

Section 6. Spending Funds

The Permanent Municipal Building Committee may expend such funds as the Town Council, or if required the Town Meeting, may appropriate to carry out its duties as described herein. There shall be no intermingling of funding between projects.

Section 7. Definitions:

For the purpose of this Ordinance, the following definitions shall apply:

1) “Major maintenance” shall include capital building/improvement projects and projects

that are capital in nature; that is, having a useful life of five or more years.

“Major maintenance” shall not include routine maintenance and upkeep of a building or other structures, or its service equipment, which is performed on a regular basis.

2) “Service equipment and major systems” shall include boilers, elevators, generators, HVAC systems, septic systems, fire alarms, electrical service including wiring and fixtures, major plumbing service, building skin (roofs, gutters, masonry, windows, exterior paint, floor covering, etc.) It shall not include information system technology (computers and computer systems).

3). “Proposing Body” means the Town of Ledyard appointed or elected board or commission sponsoring or requesting a construction or major maintenance project or for a project initiated by the Permanent Building Committee itself, the board or commission whose facility would be the recipient thereof.

Section 7. Severability

If any provision of this Ordinance shall be held invalid by a court having competent jurisdiction, such invalidity shall not affect any of the other provisions of this Ordinance that can be given effect without the invalid provision and for this purpose the provisions of the Ordinance are hereby declared severable.

Section 8. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Amended, Adopted and Renumbered by the Ledyard Town Council on: _____

S. Naomi Rodriguez, Chairman

Approved/Disapproved on: _____

Fred B. Allyn, III, Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

Revisions: Ordinance #119 *“An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard”* Adopted March 26, 2008; Ordinance #138 *“An Ordinance Amending an Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard: Adopted June 24, 2015; Effective: July 31, 2015; Ordinance renumbered from Ordinance #138 to Ordinance #100-015 as part of the Town Council’s 2017-2019 Ordinance Update Initiative; September 25, 2019.*

History:

The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #138 to Ordinance #100-015.

2015: Removed the project threshold of \$25,000 requiring all capital building/improvement projects and projects that are capital in nature; that is, having a useful life of five or more years be assigned to the Permanent Municipal Building Committee.

2019: Title – Removed “Ordinance Amending” – Per Town Attorney not required. Section 4 added language regarding members attendance relative to resignation/replacement. Removed Section 9 “*Cancellation*” - Per Town Attorney the “*Cancellation Section*” was not needed. The “*Revisions*” and “*History*” paragraph indicates that the previous ordinance has been updated and replaced. Added new Section 9 “*Effective Date*” to be consistent with Town Ordinance format

2024:

Section 2 “Purpose” Paragraph 1 replaced the word ~~major~~ with “*select*” and Added Paragraphs 2 – 6.

Section 3: “Membership” Added: Public Works Director, Board of Education Director of Facilities and Grounds. Also, the following language was added for clarification: “Board of Education Temporary Members shall be appointed by the Town Council”.

Section 5 “Powers and Duties”:

Paragraph 2- The following language was replaced: ~~The Permanent Municipal Building Committee is authorized to interview architects and/or engineers for the purpose of planning, designing, building and completing municipal building projects, and based on said interviews and cost estimates, to hire suitable candidates. “When an Owner’s Representative is required for the project, the Permanent Building Committee shall provide a recommendation for the hiring of an Owner’s Representative prior to selecting the architect and/or engineer so that the Owner’s Representative may assist with the development of the Request for Proposal, the selection process, project control budgets, project schedules, contracts and other material necessary to properly solicit comprehensive proposals by interested firms”.~~

Paragraph 3: Replaced: ~~cost estimates~~ with “budgets” Also added: *“However, when an Owner’s Representative is required, the Owner’s Representative shall be responsible for drafting such schedules and budgets. The Owner’s Representative shall also be responsible for developing a project cash flow projection for review by the Town Director of Finance*

NEW Paragraph 4

Paragraph 5 Added the following language: except for school construction grants through the Department of Education. Such grant applications are the responsibility of the Superintendent of Schools and the Board of Education.

Moved by Councilor Dombrowski, seconded by Councilor Brunelle

Discussion: Chairman Rodriguez noted that the Town Council received an email from Board of Education Chairman Anthony Favry this morning regarding the proposed amendments to Ordinance #100-015 (rev.1) *“An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard”*. Chairman Rodriguez read Chairman Favry’s email as follows:

From: Anthony Favry <afavry@ledyard.net>

Sent: Wednesday, September 11, 2024 7:00 AM

To: Town Council Group <TownCouncil@ledyardct.org>; town council <tcouncil@ledyardct.org>

Cc: BoE Members <boemembers@ledyard.net>

Subject: Temporary Board of Education Membership; PMBC

Good Morning Chairman Rodriguez & Town Councilors,

*We understand that the Administrative Committee is meeting tonight and one of the actions on the agenda is regarding Board of Education temporary membership on PMBC. Based on agenda posted, it references that the temporary Board of Education member **shall be appointed by Town Council.***

*It is the understanding of the Board of Education that based on House Bill 5524, which was signed by the Governor this Legislative session and effective 7/1/24, that temporary member of the building committee (PMBC) shall be the School Board Chair, or a designee **appointed by the Chair.** Reference below:*

§ 168 — SCHOOL BUILDING COMMITTEE MEMBERSHIP

*Requires that school building committees established to undertake a school building project as defined in Section 10-282 **include the school board chair or a designee.***

The Board wants to make sure Town Council was aware of this prior to tonight’s meeting, especially given that this state requirement impacts state reimbursements for costs associated with school projects.

We appreciate your attention to this matter.

*Thank You,
Anthony Favry
Chairman, Ledyard Board of Education*

Mayor Allyn, III, stated he reached out to Town Attorney Matt Ritter to question whether the following language “***shall be appointed by Town Council to include the school board chair or a designee***”, would be problematic. He stated that Attorney Ritter stated that the Town Council could appoint the members as long as they were the Board of Education’s Chairman and their designee.

Councilor Dombrowski stated in reviewing the 240-page House Bill 5524 that it did not state that the town’s Legislative Body usurped their authority for appointing members to the Municipal Building Committee. He stated as Board of Education Chairman Favry noted in his email that the House Bill only stated that the Board of Education’s representatives had to be the *Board of Education’s Chairman or their designee*. He stated that House Bill 5524 it does not state that the Board of Education would appoint the member. He stated nowhere does the House Bill usurp Ledyard’s Town Charter, which specifies who appoints members to the town’s boards and committees. He stated while he acknowledges the following language “***include the school board chair or a designee***” would meet the intent of the House Bill 5524; that the final approval for the appointment would come through the Legislature Body (Town Council); in accordance with Home Rule Act as well as their Town Charter.

Councilor Garcia-Irizarry stated after last night’s Board of Education Meeting that she spoke with School Superintendent Jason Hartling noting the 240-page House Bill 5524 that was approved by the State Legislature on July 1, 2024 was never brought up during the Administration Committee’s July 24, 2024 Joint Work Session or during any of their other meetings at which Board of Education Members were present. Therefore, she questioned the reason this issue was not brought up earlier. Councilor Dombrowski noted that current language as written was not illegal, stating although he was not a lawyer, that what would be illegal would be to allow the Board of Education to appoint the members to the Town’s Municipal Building Committee, explaining that it would be a violation of their Town Charter.

The Administration Committee, by consensus, agreed to add the following language to Section 3. “Membership”; Paragraph 3 “***include the school board chair or a designee***” as noted in the updated draft dated 9/11/2024 above.

Chairman Rodriguez also noted that she received an email from Mr. Hosey today, who was a member of the Permanent Municipal Building Committee. She read Mr. Hosey’s email as follows:

“From: ghosey924@gmail.com <ghosey924@gmail.com>
Sent: Wednesday, September 11, 2024
To: <NaomiR@ledyardct.org>
Subject: 100-015

My thoughts are this:

- *\$500,000 is a completely arbitrary, and thus meaningless, number. What is the basis for this amount? And why is a specific amount required in the first place? Why not simply trust the PMBC to determine when an owner’s rep is needed based on the complexity of the project? It makes little or no sense that we trust the PMBC to recommend who the owner’s rep should be, but not to decide if one is needed.*
- *Likewise, while we all respect the powers of the Town Council, it also makes no sense that the TC, which sat in on none of the interviews and probably read none of the RFP’s, can simply chose to award the contract to a different bidder. If TC disagrees with the PMBC choice, the matter should come under discussion between TC and PMBC.*
- *As already mentioned in the edited draft, there is a consistency problem. How can the Mayor be the hiring authority for architects and engineers, but the TC be the authority for owner’s reps, which are likely architects or engineers by trade? Sounds like no one is the actual hiring authority.*
- *Conversely, who is empowered to fire an owner’s rep if that becomes necessary? TC? PMBC? Mayor?*
- *Voting/quorum is not quite clear to me unless I missed it in my reading.
Quorum is majority of regular members
Temp members cannot vote on other projects*

Ok – but if that’s all there is to the voting/quorum rules, can the regular members vote on temp item (like police station or school buildings) without a temp member being present? That should not be allowed, but it looks like it is.

This is what I can think of right now.

*Thanks
George Hosey”*

Councilor Garcia-Irizarry addressed Mr. Hosey’s comments as follows:

- ***Consultant and Construction Contract*** – Councilor Garcia-Irizarry stated that during the Administration Committee’s work on the proposed Amendments to Ordinance #100-015 (rev.1) “*An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard*” that she also questioned the reason the Consultant was appointed by the Mayor and the Construction Contract was approved by the Town Council.

- ***Owners Representative*** - Councilor Garcia-Irizarry stating that the hiring of an Owner's Representative was not a statement that the Town Council does not trust the Permanent Municipal Building Committee. She also noted that she agreed with Mr. Hosey's comments about the PMBC reviewing the Contractor's presentations and conducting the interviews relative to the PMBC's selection; and the ability for the Town Council to say that they did not want to select the Contractor recommended by the PMBC, when the Town Council did not participate in the interview/selection process.

Councilor Brunelle, Liaison to the Permanent Municipal Building Committee, noted that she sat through the Contractors' Presentations and Interviews with PMBC. She stated as an example that during the selection process the PMBC preferred Contractor B; however, they said they had to choose Contractor A because they were cheaper. Councilor Dombrowski stated that was a misunderstanding of the process or the miswriting of the Request for Proposals (RFP) explaining that Ordinance #200-001 "*An Ordinance for Purchasing*" stated they could select the "*Best Value*", which may not necessarily be the lowest bidder. He stated the likelihood that the Town Council would reject the PMBC selection was slim to none. However, he stated as the Fiduciary Responsible Agency for the town that the Town Council ultimately had the responsibility to ensure that whoever the PMBC selected was in-fact the best bang for the buck.

Councilor Garcia-Irizarry stated that she believed that Mr. Hosey's comments were regarding the selection of an Owners Representative, noting that only two bids were received and the PMBC chose one over the other; and requested a Bid Waiver. Councilor Dombrowski explained the reason the Finance Committee (Meeting of 4/5/2023) rejected the PMBC's request for a Bid Waiver was not because of who the PMBC chose. He stated the Finance Committee rejected the Bid Waiver request because the PMBC gave one of the bidders an additional bite at the apple to provide additional information, but that they did not allow the other bidder the same opportunity. Therefore, he stated the Town Council did not reject the Bid Waiver request based on the PMBC's selection; they rejected the bid waiver request because the process was not followed. He stated if the Town Council granted the requested the Bid Waiver and the other bidder learned that they were not provided the same opportunity to submit additional information that the town would have been held liable and could have been sued.

Councilor Garcia-Irizarry suggested that perhaps the Liaison to the PMBC should be a member from the Finance Committee.

Mr. Gary Schneider, 101 Inchcliffe Drive, Gales Ferry, Permanent Municipal Building Committee Chairman, stated in the past that he did not believe there was good communication between the PMBC and the Town Council; however, he stated that this was beginning to change. He stated the proposed amendments to the Ordinance #100-015 (rev.1) "*An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard*" provided guidance for the Committee to follow.

Mr. Schneider went on to note that the PMBC would work with the Mayor regarding the Consultants and with the Town Council on the Construction Contracts. He stated although this seemed to be different that the PMBC would work with it. Councilor Dombrowski explained that this was related to the Town Council's fiduciary responsibilities, noting that they were responsible for projects, where the Mayor, as the Chief Elected Officer (CEO), was the contracting authority, with the Town Council's approval.

Mr. Schneider stated the PMBC was looking forward to the proposed Ordinance amendments being approved. He stated the PMBC recently completed the design plan for the Heating Ventilation and the Air Conditioning System (HVAC) for the Juliet W. Long School. He stated this was a large project multi-million-dollar project; and therefore, they were working to develop the scope of services for a Project Manager, noting that they plan to solicit bids this winter (January, 2025) so they would be ready to have the HVAC Project ready to be done during the 2025 school summer vacation.

VOTE: 3– 0 Approved and so declared

RESULT:	3– 0 APPROVED TO RECOMMEND
MOVER:	Kevin Dombrowski, Committee Member
SECONDER:	April Brunelle, Committee Member
AYES:	April Brunelle, Kevin Dombrowski, Carmen Garcia-Irizarry

2. Continued discussion and possible action to create an Ethics Commission for the Town of Ledyard.

Councilor Garcia-Irizarry noted that she provided a draft Ordinance for discussion this evening using the previous draft ordinance that was worked on 2019 as a starting point. She stated that she also reviewed Ethics Commission Ordinances from other towns, noting that she tried to include language that would provide guidance for a variety of scenarios. She noted the proposed Ordinance included the following:

- 3-year limitation for when issues could be filed
- Conflict of Interest
- Appointment of Members - Councilor Garcia-Irizarry stated the members of the Ethic Commission should not be elected officials, or appointed members of any other town committee or board.
- Terms of Appointment for the Commission Members
- Duties

Councilor Garcia-Irizarry noted the following town documents:

- Town Charter, Chapter III “Town Council” Section 9 “Investigation”
“The Town Council shall have power to investigate all offices and agencies of the Town and for such purposes shall have the power to call witnesses to appear before the Town Council to testify on any matter under investigation. The Chairman, or

chairman pro-tempore, upon authorization of the Town Council, shall have the power, for such investigation, to issue subpoenas, and, at his request, any judge of the Superior Court may compel the appearance of witnesses and the production of books, records, and papers.”

- Town Charter, Chapter IX “Transition and Miscellaneous Provisions” Section 6 “Conflict of Interest”

“Any elected or appointed officer or any employee of the Town who has a financial interest or personal benefit, direct or indirect, in any contract, transaction, or decision of any board or commission to which the Town is a party, shall disclose publicly that interest to the appropriate board or commission and the Town Council in advance of discussion or action on the matter, which shall record such disclosure upon the official record of its meetings. The Town Council may by ordinance specify what is, or what is not, a conflict of interest for officials and employees of the Town.

Willful violation by any such officer or employee of the provisions of this section shall be grounds for his removal. Violation of this section with the knowledge, express or implied, of any person or corporation participating in such contract, transaction, or decision shall render the same voidable by the Town Council, or by a court of competent jurisdiction.”

Councilor Garcia-Irizarry stated it was good that these provisions were included in the Town Charter, however, they do not address specifics or provide guidance regarding the process.

Councilor Dombrowski stated the Town Council has discussed implementing an Ethics Commission several times. However, he explained each time they discussed an Ethics Commission the Town Council has decided that because the town already had documentation in place, which has been used on more than once instance, that proceeding with an Ethics Commission was not warranted. He stated in addition to the provisions provided in the Town Charter the Town also had a “Fraud Policy” that was adopted on May 28, 2014. Therefore, he stated that he was against setting up another board or Ethics Commission, because he believed that it would turn into finger pointing and political, for no real gain or benefit. He stated there has been nothing in this town that he has seen that would warrant the need for an Ethics Commission, noting that the Fraud Policy included a Code of Conduct, which was almost the same language that was being proposed in the draft Ethics Commission Ordinance. He stated the Town’s Employee Handbook also provided guidelines for what employees were not supposed to do. He stated as the Legislative Body that the Town Council had the authority to conduct an investigation.

Councilor Brunelle stated that the town should not necessarily set up an Ethics Commission in response to a need. She questioned what if someone on the Town Council was the cause for the need for an investigation. Councilor Dombrowski stated

that it would be addressed by the Mayor's Office. Councilor Brunelle stated what if both the Town Council and the Mayor were involved, noting that would be a reason to have an outside source, just in case. Councilor Dombrowski stated that he did not like "*Just in Case Committees*" that sit there and never meet. Councilor Brunelle stated that they were working to provide transparency and make things open and honest. Councilor Dombrowski stated the town was open and honest in everything they do, noting an Ethics Commission does not make open and honest, he stated what it makes was finger pointing. He stated although they may not need his support, that he would not support an Ethics Commission when they already have provisions in the Town Charter, in accordance with State Law, and in the Fraud Policy, which has been in effect for 10-years, which covered everything they may need to do, in-case there was a problem. He stated the one citizen who requested an Ethics Commission was pointing at the Mayor; however, he stated an Ethics Commission, in accordance with state statutes, was all about financial gain, stating that it was not about hiring or firing employees, noting that the Ethics Commission would never discuss the performance of an employee who was terminated.

Councilor Garcia-Irizarry stated to the best of her knowledge that Ledyard was one of a few towns that does not have an Ethics Commission. She stated a lot of towns in Connecticut have an Ethics Commission. She stated that the Ethics Commission may never meet and that she would love that to be the case. She stated the reason they have a Town Charter was to provide procedures, noting that the same would be true for an Ethics Commission.

Mayor Allyn, III, stated putting an Ethics Commission in-place would be a political move, noting that it was certainly leveled at him for the firing of a specific employee. He asked whether the Ethics Commission override the Town Charter language, or would the Fraud Policy supersede the Ordinance, questioning which document would they follow. Councilor Garcia-Irizarry responded stating that the Ethics Commission would conduct the investigation and then submit their findings to the appropriate body, noting if it was an employee issue, it would go to the Mayor, and other cases would go to the Town Council. Councilor Dombrowski stated that they would have to change the Town Charter to include the establishment of an Ethics Commission, explaining that they would be taking the authority away from the Town Council and assigning it to the Ethics Commission. He stated that they would also need to strike some language from the Town Charter.

Councilor Garcia-Irizarry stated that she would like to ask the Town Attorney to review the proposed Ordinance and the Town Charter. She suggested the language in the draft Ordinance could be changed to state that the Town Council would be the final authority to be in compliance with the Town Charter.

Councilor Brunelle stated that the intent to create an Ethics Commission was not to go against the Town Charter. Councilor Dombrowski stated that he agreed that he did not think anyone was trying to go against the Town Charter. Councilor Brunelle stated that the Committee should take more time to review the proposed Ordinance Establishing an Ethics Commission and to determine the best way forward.

Mayor Allyn addressed the 3-year limit to submit a violation for an investigation. He questioned as an example what if a violation was filed against a member of the Town Council and during the time of the investigation, the Councilor's term expired, whether the investigation would continue. He questioned what authority the Ethics Commission would have over a non-serving Town Councilor. Councilor Garcia-Irizarry stated that this was something that they would need to think about. Councilor Dombrowski stated as Councilor Garcia-Irizarry noted that the 3-year time limit was notional and could be discussed. He also stated that these rules would apply to all board and commissions or any volunteer who was serving the town, as well as the employees. It was noted that the same was true for the provisions in the Town Charter and in the Fraud Policy, that rules would apply to employees, elected officials, and appointed members who volunteer to serve the town.

Councilor Buhle stated that she would be against a "statute of limitations" because someone, who may have done something that was not ethical could benefit 4,5,6 years after they were no longer serving the town. Councilor Dombrowski stated that they would need to look at the state statutes to see if there was a statute of limitations for ethical conduct.

Mayor Allyn noted the proposed language in in the draft Ordinance regarding the "Hearing" section as follows:

"The Ethics Commission shall conduct a hearing to determine if a violation of the Code has occurred. All hearings will be open to the public and recorded."

Mayor Allyn stated this provision had the ability to damage someone's reputation, "*if a violation has occurred*", noting at that point they would not even know if a violation has occurred. He stated that this could change someone's life all on an "**IF**". However, he stated at that point it would have been all public information.

Chairman Rodriguez stated that the Town Charter gives the Mayor jurisdiction over employees, noting that they did not want to talk employee matters publicly. Councilor Dombrowski stated the proposed ordinance as written, would talk about the employee matters in public.

Councilor Garcia-Irizarry stated the proposed Ordinance was a draft for discussion as a starting point, noting that she was looking to obtain input from everyone.

Councilor Dombrowski encouraged members of the Administration Committee to review the state statutes. He stated that this was the first time the Administration Committee has discussed the drafting of an Ordinance to establish an Ethics Commission. He stated the real question was do they think they have a need for an Ethics Commission.

MOTION to pursue establishing an Ethics Commission.

Moved by Councilor Brunelle, seconded by Councilor Garcia-Irizarry

Discussion: Councilor Garcia-Irizarry stated that she would like to continue a discussion regarding the establishment of an Ethics Commission; and did not think they needed to vote to have a discussion.

Councilor Brunelle withdrew the Motion.

Councilor Garcia-Irizarry stated that the Administration Committee would continue to discuss the draft “*Ordinance Establishing an Ethic Commission*” at their October 9, 2024 meeting. She asked that Councilors forward their comments and recommendations to her.

RESULT: CONTINUED

Next Meeting: 10/09/2024 5:30 p.m.

3. Any Old Business proper to come before the Committee. – None.

VII. NEW BUSINESS

1. MOTION to recommend the Town Council set a Hybrid (In-Person & Video Conference) Public Hearing date on October 23, 2024 at 6:30 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, to receive comments and recommendations regarding proposed Amendments to Ordinance #100-015 (rev.1) “*An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard*” as presented in the draft dated ~~July 24,~~ *September 11,* 2024.

Moved by Councilor Dombrowski, seconded by Councilor Brunelle

Discussion: Councilor Dombrowski stated in accordance with Chapter III; Section 5 of the Town Charter that “.....one public hearing shall be held by the Town Council before any ordinance shall be passed”.

VOTE: 3– 0 Approved and so declared

RESULT: 3– 0 APPROVED TO RECOMMEND

MOVER: Kevin Dombrowski, Committee Member

SECONDER: April Brunelle, Committee Member

AYES: April Brunelle, Kevin Dombrowski, Carmen Garcia-Irizarry

2. MOTION to recommend the Town Council approve a proposed “*Town of Ledyard Digital Sign Use Policy*” as presented in the draft dated September 4, 2024.

DRAFT: 9/4/2024

Policy #2024-XXX

Town of Ledyard
Digital Sign Use Policy

1. POLICY STATEMENT

The Town of Ledyard is committed to providing residents and visitors with accurate and appropriate information through the use of digital signage. The digital signs shall be used

to disseminate information about town sponsored events, special town meetings, referendums and other public messages from the municipality.

2. SCOPE

This policy applies to the design, approval and content management of municipally owned and/or operated outdoor digital signs located in the Town of Ledyard.

3. PURPOSE

- (a) This policy facilitates effective digital communication tools for community messaging
- (b) The policy provides direction for the appropriate use of digital signage in the municipality
- (c) This policy defines who may submit requests for messaging on digital municipal signs

4. POLICY

The Town of Ledyard's digital sign conveys information to the public as a representative of the municipality, and therefore will be operated in a manner that represents the Town of Ledyard positively. Total content will be limited to a maximum of 10 slides displayed at any one time with a maximum exposure of 10 seconds per slide. The Town offers no guarantee with the respect to the appearance of any messages on the digital sign, exact color matches or the length of time that the message will be displayed. Appearance of messages is subject to constraints of priorities, as well as electronic limitations. All content must adhere to the State of Connecticut Department of Transportation Highway Signing Guidelines.

The following system of hierarchy shall be utilized in selecting messages to be posted:

- (a) Emergency Messages – in the event of an emergency, the Town reserves the right to suspend all messages and use signage for emergency purposes only
- (b) Messages from the Town of Ledyard
- (c) Town sponsored events
- (d) Community events hosted and/or sponsored by a non-profit organization located within the Town of Ledyard

The following messages shall not be permitted to be posted on the digital sign:

- (a) Political or religious messages, promotion or advertising
- (b) Private sector messages, whether from an individual, group, organization or business
- (c) Events and/or functions open only to members of an organization

5. SUBMITTING A REQUEST

Subject to availability, the digital signs may be used by a non-profit registered in the Town of Ledyard to announce events or special programs on a first come, first serve basis. Requests to utilize municipal digital signage must be submitted to the Mayor's Office using the town-provided request form. All requests must be submitted at least (1) week prior to the requested posting date. Messages will be posted for a maximum of (2) weeks prior to the event, depending on availability, and approval by the Mayor.

6. RESPONSIBILITY

The Mayor's Office will be responsible for design and management of all digital content. The Mayor's Office may designate representatives from Town Departments to create content. The Mayor's Office shall ensure all information, photos, and designs submitted for posting meet a professional standard consistent with the Town of Ledyard. The Mayor shall have the authority and sole discretion to deny use of the sign based upon availability or to groups whose mission or purpose is deemed to be offensive or against the best interest of the town.

*Gales Ferry Volunteer Fire Company may designate a representative(s) to add and update fire company related content to the "GFFC Playlist".

7. EFFECTIVE DATE

The "*Town of Ledyard Digital Sign Use Policy*" shall become effective upon adoption.

Adopted by the Ledyard Town Council on: _____ 2024

S. Naomi Rodriguez, Chairman

**TOWN OF LEDYARD
DIGITAL SIGN USE RESERVATION FORM**

If there is availability, the digital signs may be used by a non-profit registered in the Town of Ledyard to announce events or special programs on a first come, first serve basis. All requests must be submitted at least (1) week prior to the requested posting date. Messages will be posted for a maximum of (2) weeks depending on availability, and approval by the Mayor.

Today's Date: _____

Organization Name: _____

Organizations Address: _____

Contact Name: _____

Contact Email: _____

Name of Event: _____

Date(s) of Event: _____

Hours of Event: _____

Description of Event (Please briefly describe the event)

Please email the completed form to mayoral.asst@ledyardct.org along with any images related to the event. Acceptance of a request does not guarantee that the announcement will appear on either sign as the Town reserves the right to use of the signs for emergency purposes.

Moved by Councilor Garcia-Irizarry, seconded by Councilor Dombrowski

Discussion: Mayor Allyn, III, stated the second digital message sign has been finally installed in Ledyard Center in front of the Town Green. He stated both signs were on the same platform explaining that the same message would now be displayed on the sign on Route 12 in front of the Gales Ferry Fire Department; and in Ledyard Center. He stated Executive Assistant Kristen Chapman has been working on the brightness and colors of the signs along with creating the slides. He stated the signs were purchased with American Rescue Plan Act (ARPA) Funding with the main purpose to display emergency messages. However, he stated when there were no emergencies that the signs would be used for other opportunities such as the Ledyard Farmers Market, Library Book Sale, and major Referendums such as the Annual Budget Referendum, and Elections, etc. He stated the Policy outlines the hierarchy of the messages noting that Emergency Messages would take precedence, then Messages from the Town of Ledyard, Town Events such as the Senior Centers Senior Prom, and Community Events, such as Trunk or Treat, etc. He stated that the Policy also addresses messages that would not be posted on the message sign which included Politic and Religious, promotional or advertising, private messaging. He stated because it takes some time to prepare the slides to post on the digital sign that regular meetings of the town's committees and boards would not be posted on the message sign.

Councilor Garcia-Irizarry questioned whether Public Hearings would be posted on the message sign. Mayor Allyn stated Public Hearings for the Annual Budget would be posted; however, Public Hearings for things such as Land Use Applications would not be posted on the message signs. He stated the Town's on-line Meeting Portal was a much better platform for those types of meetings. He also noted that residents could register on-line and receive all the meeting notifications to their email or to their cell phone.

Councilor Dombrowski suggested the digital message sign provide information for residents to visit the Town's website for meeting information.

Councilor Brunelle addressed the posting of community events and non-profit organizations such as the Senior Center's Senior Prom. She questioned whether the town was worried that other residents would take offence that they were not being represented because they were not senior citizens. Mayor Allyn stated that he did not think that residents would be offended; explaining that the same could be true for the Parks & Recreation Easter Egg Hunt, noting that it was geared toward younger children.

VOTE: 3– 0 Approved and so declared

RESULT:	3– 0 APPROVED TO RECOMMEND
MOVER:	Carmen Garcia-Irizarry, Committee Member
SECONDER:	Kevin Dombrowski, Committee Member
AYES:	April Brunelle, Kevin Dombrowski, Carmen Garcia-Irizarry

3. MOTION to recommend the Town Council appoint Ms. Cynthia Wright (D) 6 Laurel Leaf Drive, Gales Ferry to the Library Commission to complete a two (2) year term ending November 7, 2025 filling a vacancy left by Ms. Cronin.

Moved by Councilor Dombrowski, seconded by Councilor Brunelle

Discussion: Councilor Garcia-Irizarry explained that Ms. Wright had submitted her application to serve on the Library Commission several months ago. However, she stated because they had received several Applications and they only had one vacancy to fill, that Ms. Wright's Application was kept on-file for the next time the Library Commission had a vacancy. She stated that Ms. Wright has Master of Library Science and Public Administration from the University of Rhode Island. She stated that Ms. Wright was currently retired but worked as a librarian at the Groton Public Library for 27-years, noting that she would be a good fit for the Library Commission.

Councilor Dombrowski thanked Mr. Cronin for his service to the Town. Councilor Garcia-Irizarry stated Mr. Cronin did a great job and that the Library Commission was sad to see him retire.

VOTE: 3– 0 Approved and so declared

RESULT:	3– 0 APPROVED TO RECOMMEND
MOVER:	Kevin Dombrowski, Committee Member
SECONDER:	April Brunelle, Committee Member
AYES:	April Brunelle, Kevin Dombrowski, Carmen Garcia-Irizarry

Councilor Garcia-Irizarry stated in the interest of time that she would defer their discussion regarding Item #4 to the Administration Committee's October 9, 2024 meeting, noting that the Town Council had a Public Hearing scheduled for 6:30 p.m. this evening.

4. Discussion and possible action to draft an Ordinance regarding the raising of Unofficial-Third-Party Flags on Town Property.

RESULT: DEFERRED

Next Meeting: 10/09/2024 5:30 p.m.

5. Any other Business proper to come before the Committee. – None.

VIII. ADJOURNMENT

VOTE: Councilor Dombrowski moved the meeting be adjourned, seconded by Councilor Brunelle.
3 - 0 Approved and so declared, the meeting was adjourned at 6:29 p.m.

Respectfully submitted,

Carmen Garcia-Irizarry
Committee Chairman
Administration Committee