



TOWN OF LEDYARD

Administration Committee

Meeting Minutes

741 Colonel Ledyard Highway
Ledyard, CT 06339
<http://www.ledyardct.org>

Chairman S. Naomi
Rodriguez

Regular Meeting

Wednesday, February 12, 2025

5:30 PM

Town Hall Annex- Hybrid Format

In -Person: Council Chambers, Town Hall Annex Building

Remote Participation Information Noted Below:

Join Zoom Meeting from your Computer, Smart Phone or Tablet:

<https://us06web.zoom.us/j/83927479044?pwd=nEWX0s3bNdNe4XLgKaz5RT0T5RFXJh.1>

Or by Audio Only: Telephone: +1 646 558 8656; Meeting ID: 839 2747 9044; Passcode: 180649

I CALL TO ORDER

the Meeting was called to order by Councilor Buhle at 5:30 p.m. at the Council Chambers Town Hall Annex Building.

Councilor Buhle 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

Present: Kevin Dombrowski
Jessica Buhle
April Brunelle

In addition, the following were present:

Carmen Garcia-Irizarry Town Councilor
Eric Treaster Resident
Sharon Pealer Resident
Daniel Pealer Resident
Earl (Ty) Lamb Resident
Bill Thorne Resident
Jill Thorne Resident
Kyle Dykes Resident
Nate Woody Resident
Roxanne Maher Administrative Assistant

III. RESIDENTS & PROPERTY OWNERS COMMENTS

Mr. Eric Treaster, 10 Huntington Way, Ledyard addressed Mr. Nate Woody's Appointment Application to serve on the Planning & Zoning Commission. He expressed concerns that because Mr. Woody was a registered Unaffiliated Voter that he was not interviewed prior to his Appointment Application moving forward to the Administration Committee this evening.

Mr. Treaster continued by stating that Mr. Woody previously served on the Planning & Zoning Commission and that he also served as the Commission's Chairman. He stated although Mr. Woody is very qualified that he had some concerns regarding some of the decisions the Planning & Zoning Commission made regarding Affordable Housing, and the pitch of the roofs at Stonegate Village, etc., during the time Mr. Woody served on the Commission. He stated that Mr. Woody was a natural born leader, however, he suggested the Administration Committee interview Mr. Woody prior to acting on his appointment.

Mr. Bill Thorne, 2 Adios Lane, Ledyard, addressed the subject to fly third party flags on town property. He stated in reviewing the background information that was included in the Agenda packet on the Meeting Portal that he read the letter from the Town Attorney which provided the following three options:

- Maintain the Town's current approach of flying only Official Flags as government speech;
- Allow additional flags to be flown as government speech; or
- Create a limited public forum and allow citizens to fly flags as an expressions of their private speech.

Mr. Thorne noted that in his opinion letter that Attorney Ritter stated that each of these options involved different legal considerations and practical concerns. Therefore, Mr. Thorne stated that he would encourage the Town to continue with its current practice, which was to only fly the US American Flag and State of Connecticut Flag.

Mr. Daniel Pealer, 48 Highland Drive, Gales Ferry, stated he was present this evening to express his concerns regarding the proposal to establish a Code of Ethics and Commission; and to urge the Town Council not to adopt this measure. He stated that while the intention behind promoting ethical standards and accountability was commendable, that he believed creating such a Commission could lead to significant legal and practical challenges for the town which included *Legal Implications*. He stated that the introduction of a Code of Ethics could lead to increased litigation if breaches of the code resulted in legal challenges or disputes. He stated that this could place a financial and administrative burden on the town, diverting resources from other important areas. Mr. Pealer questioned in focusing on potential legal issues, whether it was important to consider the potential for conflicts of interest and bias within an Ethics Commission. He stated that members of such a Commission were

often personally selected from within the community, which could lead to partiality and favoritism.

Mr. Pealer noted the Supreme Court case, *Caperton v. A.T. Massey Coal Co.* (2009), in which the Court ruled that due process required recusal when there is a serious risk of actual bias or conflicts of interest. Establishing an ethics committee could create a similar risk, where personal relationships and affiliations influence the decision-making process, undermining the committee's credibility and impartiality. Any committee established to enforce a code of ethics must not just actually be fair and impartial it must also appear to be fair and impartial.

Mr. Pealer went on to state that the proposed Code of Ethics focuses on the lack of a clause prohibiting retroactive application. He stated without such a clause prohibiting the application of this code to conduct that which occurred prior to the adoption of such a Code there was the risk of a person facing punishment Ex Post Facto. The punishment could be any of the following: *“an order to cease and desist the violation, to pay a civil penalty of up to the maximum allowed per state law per violation, censure, reprimand, suspension without pay, termination of employment and/or removal from appointed office.”* Additionally, the Commission may refer violators to the proper authorities for further civil or criminal“ (Page 10 of the draft ordinance).

Mr. Pealer pointed out that Article I, Section 10, Clause 1 of the U.S. Constitution, One of the two Ex Post Facto Clauses, prohibited states (and by extension, municipalities) from enacting laws that apply retroactively, thus criminalizing conduct that was legal when originally performed. He stated that this clause ensures that individuals have fair notice of the laws and consequences that govern their actions. If a town were to create a Code of Ethics and apply it retroactively, it would violate this constitutional prohibition by potentially punishing individuals for actions that were not considered unethical at the time they were committed. He stated by preventing such retroactive application, the clause safeguards individuals against unjust legal changes that could undermine the principles of fairness and due process in the legal system. He stated of critical note, that while there were some exceptions to the Ex Post Facto Clauses they apply when the law is non-punitive, which the proposed ordinance is not. (see *Smith v. Doe* (2003), *Stogner v. California* (2003), *Lynce v. Mathis* (1997) and *Miller v. Florida* (1987)).

Mr. Pealer concluded his comments by stating that he was sure the supporters of the Ethics proposal believe that it was going to produce a brighter future, the gleam of those intentions can blind us to the perils of the dark path they may lead us on. Therefore, it is crucial that they thoroughly evaluate the possible drawbacks and challenges that come with adopting a new Code of Ethics. He stated that he strongly encouraged the Town Council to consider alternative strategies that already exist to deal with these concerns. He thanked the Administration Committee for their attention to this matter; stating that he looked forward to the Town Council's thoughtful deliberation on this important issue.

Mr. Kyle Dykes, 977 Shewville Road, Ledyard, stated that he is the Pastor of Gallup Hill Baptist Church and that he has been a Ledyard resident for the past 11 years. He stated that he was present this evening to provide comments on the impending discussion and decision on raising unofficial third-party flags on town property and to encourage the Administration Committee to abandon the pursuit of the proposed Ordinance for the following reasons:

- Common Goals - Mr. Dykes stated that they would like all the people in their town to flourish and thrive regardless of their religion, political ideology, sexual preferences, etc. He stated that he loved this town, the Gallup Hill Baptist Church loves this town; and that they pray earnestly for its success and flourishing; as they all benefit when a town thrives.
- Negative Impact - Mr. Dykes stated the proposed Flag Ordinance would negatively impact the flourishing of the town regardless of what type of flag was chosen to be flown for the following reasons:
 - ✓ The town, our schools, etc. should be places of ideological neutrality. By raising the flag of a particular group you are in effect saying - we favor this group above others. It communicates support to one particular group while at the same time communicating opposition towards any that disagree with it. Mr. Dykes noted the following as an example, If the town chose to fly the LGBTQ flag, they would automatically communicate to culturally conservative residents, Orthodox Muslims or Jews, historically orthodox Christians that their beliefs and concerns are secondary and un-favored. While the decision would seem inclusive to some; it was automatically exclusive to others.
 - ✓ How would the town decide which third-party flags to fly? If they fly the flag of one group, then they would automatically open the door to flying the flag for all groups. Mr. Dykes questioned what the town would say if someone asked them to fly a Palestinian flag? An Islamic Jihadist flag? The Christian flag? A Satanist flag? He stated that this was a Pandora's Box that should remain closed.

Mr. Dykes conclude his remarks by stating that it was in the best interest of all of Ledyard's residents to make sure our town stays neutral. He stated fly the flag of our country and our state, and that's it. He stated that they could all unite under those flags; noting that any others would divide them.

Mr. Earl (Ty) Lamb, 95 Lambtown Road, Ledyard, Historic District Commission Chairman, stated he was present to address the following two items this evening:

- Appointment of Mrs. Karen Parkinson to the Historic District Commission. Mr. Lamb stated that Mrs. Parkinson has been serving as an Alternate Member of the Commission for some time; and with the departure of Mr. Barnes to join the Town Council; that the Commission has requested Mrs. Parkinson be moved to

serve as a Regular Member. He noted Mrs. Parkinson's background, enthusiasm, and work ethic noting that he encouraged the Administration Committee to move Mrs. Parkinson's appointment as a Regular Member forward this evening.

- Community Relations Committee for Diversity, Equity & Inclusion - Mr. Lamb suggested in developing topics to provide information to the community that he would like to suggest the Committee consider the following:
 - ✓ American with Disabilities by promoting inclusion, raising awareness of those with disabilities, and to support disability organizations. Mr. Lamb noted there were a lot of groups to choose from like United Cerebral Palsy.
 - ✓ International Migrants Day, which is observed on December 18th each year to acknowledge and celebrate the diversity of migrant communities worldwide and uphold the rights and dignity of all migrants and refugees, regardless of their backgrounds or reasons for migration. Mr. Lamb noted that his wife is a migrant from Brazil and he noted the school for English they started to help other migrants coming in and working with the churches. He stated when these people see that others were established here, and were reaching out to them with language and other things that it gives them positive energy.

Councilor Buhle thanked the residents for their comments.

IV. PRESENTATIONS / INFORMATIONAL ITEMS

None.

V. APPROVAL OF MINUTES

MOTION to approve the Administration Committee's Minutes of December 11, 2024.

Moved by Councilor Dombrowski, seconded by Councilor Brunelle

VOTE: 3 - 0 Approved and so declared

RESULT: APPROVED AND SO DECLARED

MOVER: Kevin Dombrowski

SECONDER: April Brunelle

VI. OLD BUSINESS

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

Councilor Buhle stated it was her understanding that a proposed Third-Party Flags Ordinance was drafted; however, she did not see it in tonight's Agenda Packet on the meeting portal.

Councilor Brunelle stated that she has drafted an Ordinance, and maybe it would be included in the March 12, 2025 meeting packet.

RESULT: CONTINUE

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

Councilor Buhle stated while this was her first meeting on the Administration Committee, that it was also her first chance as a Councilor to share her opinion regarding an Ethics Commission and Code of Ethics for the Town of Ledyard.

Councilor Buhle stated right after she was sworn in as a member of the Town Council, that she dove in head first, noting that she strongly believed that we can learn from the successes and failures of other towns. She stated that one of the things she discovered was the number of towns in Connecticut that have an Ethics Commission and Code of Ethics, noting that Ledyard was not among them.

Councilor Buhle stated that she was not saying that just because other towns have an Ethics Commission that Ledyard should have one. She stated the reason she was mentioning it was because a large majority of towns in Connecticut have an Ethics Commission and Code of Ethics, and it has not led to the downfalls that so many letters have been predicting.

Councilor Buhle went on to state that she also felt very strongly that the time to enact an Ethics Commission was when you think you don't need one. She stated that many residents feel that we have even passed that point already, so establishing an Ethics Commission would help fill the needs many residents feel they already have. She stated in discussing the current provisions of the Town Charter and the Fraud Policy, that she thought that it was s disingenuous to imply that those documents were enough to prevent unethical behavior. She noted that one of the first major differences in the presented draft ordinance was the requirement to abide by the Town Code of Ethics by all volunteers, employees, and vendors of the town. She stated that this Code of Ethics would also be binding for contractors, consultants, and all who conduct business with the town of Ledyard. She stated as a Councilor who served on four town commissions and committees before being sworn in to the Town Council, that she could say that she was never asked to sign any document outlining her understanding of the Town Charter or adherence with the Fraud Policy. She stated that the oath that our volunteers affirm references adhering to the law and the Constitution, however, she stated Ledyard's Town Charter barely covered ethical concerns. She noted a point to address was the idea that the Town Charter was enough to act as our Ethics Commission.

Councilor Buhle went on to note the following:

Chapter 3 section 9 of the Town Charter states:

“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.”

Councilor Buhle stated while the Town Council has the power to investigate all offices and agencies of the Town, that she believed that delegating this specific responsibility to the Town Council instead of a Committee would allow bias and political influence to sway decisions. She stated while many letters received have mentioned potential downsides of creating an Ethics Commission, that she would like to take a moment to list what she thought was the downsides of continuing with the status quo.

- What if the person being investigated is of the minority party? Of the majority party?
- What if the person being investigated has influence over a grant, ordinance, or project the Council is working on?
- Will Councilors decline to pursue ethics investigations against those in their own party?
- Will Councilors allow unscrupulous behaviors in election years in order to avoid stirring the pot.

Councilor Buhle stated that she knows that she was new to the Administration Committee, however, those familiar with her know that she would still have more to say. She concluded her remarks by noting, with that being said, this topic was not completed, and that she felt that the Administration Committee need additional time to review the proposed ordinance, stating that she was not ready to take a vote at this time.

Councilor Garcia-Irizarry stated because she drafted the proposed Ordinance Establishing an Ethics Commission that she wanted to provide clarification regarding some of the concerns they have received noting the following:

- The Town has a Fraud Policy - Councilor Garcia-Irizarry stated that ethics was not just about fraud. She stated that ethics was just one layer.
- Unethical behavior is not criminal behavior - Councilor Garcia-Irizarry stated that Fraud was a criminal behavior. Therefore, she stated with having a Code of Ethics, they were not only addressing criminal behavior, but they were also addressing behavior that undermines the trust of the residents on their elected officials.

Councilor Garcia-Irizarry explained that one of the things the proposed Ordinance

would address was how to file a complaint and conduct an investigation. She stated the Town Charter does say anything about how to proceed with an investigation. It just says that the Town Council can have an investigation, and they can pull witnesses, and everything. However, she stated the proposed Ordinance provides a procedure on how to conduct an investigation, noting that the purpose of the procedure was to avoid having frivolous complaints and/or investigations. She stated that there were multiple checkpoints throughout the process.

Councilor Garcia-Irizarry reviewed the procedure to file complaint and investigation noting the following:

- ✓ First, a complaint has to be filed in a specific format; and the complaint has to sign the form in front of a judge, the town clerk, a public notary, a justice of the piece, etc.
- ✓ Second, the Ethics Commission has to determine if they have jurisdiction over the matter.
- ✓ Third, the Ethics Commission has to meet, to determine if there is probable cause. If there's probable cause, an investigation would be conducted. If there was no probable cause, the case file would be sealed, and all matters pertaining to it would remain confidential.

Councilor Garcia-Irizarry stated that anybody could make any accusations, but unless there's probable cause that no one outside Commission should know about it. It would be kept confidential, and this was all included in the proposed Ordinance.

- Knowledge and Experience - Councilor Garcia-Irizarry stated while the ordinance does not establish specific requirements about knowledge and experience in ethics, that language could be added to the draft Ordinance to address knowledge and experience.
- Trainings - Councilor Garcia-Irizarry stated they could also add to the Ordinance provisions requiring that training be required for the Commissioners.
- Consult with the Town Attorney - Councilor Garcia-Irizarry stated that the proposed Ordinance gives the Commission the power to consult with the town attorney; and to request advisory opinions and also consult with other professionals.
- Process for both the Complainant and Respondent - Councilor Garcia-Irizarry stated that the proposed Ordinance provides a process for both the complainant and the respondent, noting that they would have the right to have an attorney present during the proceedings.
- Hearings - Councilor Garcia-Irizarry stated the hearings shall be conducted with the advice and assistance of the town attorney acting through its chairperson, in order to facilitate the prompt and fair disposition of the proceedings.

Councilor Garcia-Irizarry stated the things she mentioned were all in the draft Ordinance that the Administration Committee had in front of them this evening. She

stated that it was a work in progress, and that they could make some changes; however, she encouraged them not to scrap the proposal.

- Retroactive complaints - Councilor Garcia-Irizarry stated that if the town moved forward with establishing an Ethics Commission that any complaints would have to be done from the day on the ordinance was passed, noting that the proposed Ordinance currently does not include any language that states that.

Councilor Garcia-Irizarry thanked the Administration Committee for the opportunity to address the concerns that have been raised regarding the proposed Ordinance this evening.

RESULT: CONTINUE

3. Any other New Business proper to come before the Committee.

VII. NEW BUSINESS

1. MOTION to appoint Ms. Minna DeGaetano (D) 10 Marla Avenue, Ledyard, as a Regular Member to the Retirement Board to complete a three (3) year term ending January 20, 2026 to fill a vacancy left by Mr. Panosky.

Moved by Councilor Brunelle, seconded by Councilor Dombrowski

Discussion: Councilor Dombrowski stated that Ms. DeGaetano was a good choice, noting that she was currently serving on the Retirement Board as an Alternate Member and that tonight's action was to move her to a Regular Member on the Board.

VOTE: 3 - 0 Approved and so declared

RESULT: RECOMMENDED FOR APPROVAL

MOVER: April Brunelle

SECONDER: Kevin Dombrowski

AYE: 3 Dombrowski, Buhle and Brunelle

2. MOTION to appoint Mrs. Karen Parkinson (R) 55 Rose Hill Road, Ledyard, as a Regular Member to the Historic District Commission to complete a five (5) year term ending December 4, 2026 to fill a vacancy left by Mr. Barnes.

Moved by Councilor Dombrowski, seconded by Councilor Brunelle

Discussion: The Committee noted Mrs. Parkinson's energy and enthusiasm, noting that she was a good fit for the Historic District Commission.

VOTE: 3 - 0 Approved and so declared

RESULT: RECOMMENDED FOR APPROVAL

MOVER: Kevin Dombrowski

SECONDER: April Brunelle

3. MOTION to appoint Ms. Lauren Hawes, (U) 8 Warbler Way, Gales Ferry, as a Regular Member to the Parks, Recreation & Senior Citizens Commission to complete a three (3) year term ending June 28, 2025 to fill a vacancy left by Ms. Cobb.

Moved by Councilor Brunelle, seconded by Councilor Dombrowski

Discussion: Councilor Buhle stated that Ms. Hawes was her neighbor; and that she was pleased that she was involved in their community.

VOTE: 3 - 0 Approved and so declared

RESULT: RECOMMENDED FOR APPROVAL

MOVER: April Brunelle

SECONDER: Kevin Dombrowski

AYE: 3 Dombrowski, Buhle and Brunelle

4. MOTION to appoint Mr. Nathaniel Woody (U) 770 Long Cove Road, Gales Ferry, as an Alternate Member to the Planning & Zoning Commission to complete a three (3) year term ending October 31, 2026 filling, vacancy left by Mr. Miello.

Moved by Councilor Dombrowski, seconded by Councilor Brunelle

Discussion: Chairman Rodriguez stated as Mr. Treaster mentioned earlier this evening, Mr. Woody was registered as Unaffiliated voter, therefore, his Appointment Application was not reviewed the by the RTC or DTC. She explained that Appointment Applications for residents who are registered as Unaffiliated were reviewed by the Town Council's Administrative Assistant Roxanne Maher. She stated that some members of the Town Council know Mr. Woody because they have served with him on the Planning & Zoning Commission in the past years. She stated that he comes with a vast array of knowledge; and that he knows and understands the Plan of Conservation & Development (POCD). Therefore, she stated Mr. Woody would be an asset to the Planning and Zoning Commission. She stated that she was pleased that Mr. Woody was coming back to serve the town.

Councilor Dombrowski stated that he worked with Mr. Woody when he served as the Chairman of the Planning & Zoning Commission, noting that the level of knowledge and experience he has. Therefore, he stated that he wholeheartedly endorsed Mr. Woody's appointment to the Planning & Zoning Commission.

VOTE: 3 - 0 Approved and so declared

RESULT: RECOMMENDED FOR APPROVAL

MOVER: Kevin Dombrowski

SECONDER: April Brunelle

AYE: 3 Dombrowski, Buhle and Brunelle

5. MOTION to appoint Ms. Sherry Gruzkowski (R) 26 Saw Mill Drive, Ledyard, to the Ledyard Housing Authority Road, Gales Ferry, to complete a five (5) year term ending March 31, 2028 filling a vacancy left by Ms. Crocker.

Moved by Councilor Brunelle, seconded by Councilor Dombrowski

Discussion: None.

VOTE: 3 - 0 Approved and so declared

RESULT: RECOMMENDED FOR APPROVAL

MOVER: April Brunelle

SECONDER: Kevin Dombrowski

AYE: 3 Dombrowski, Buhle and Brunelle

6. MOTION to reappoint the following members to the Permanent Municipal Building Committee to complete a three (3) year term ending March 26, 2028.

- Mr. Gerald Tyminski (U) 58 Partridge Hollow, Gales Ferry
- Mr. Joseph Gush (R) 57 Town Farm Road, Ledyard.

Moved by Councilor Dombrowski, seconded by Councilor Buhle

Discussion: Councilor Buhle stated that she reached out to Mr. Gush, as the PMBC Chairman, to learn about the these two members background and experience. She stated because these were reappointments they did not still have their appointment applications on file. She stated that these gentleman had a background in development, planning and architecture, noting that they were more than qualified to serve on the PMBC. She stated that she was pleased that these members were interested in continuing to serve the town.

VOTE: 3 - 0 Approved and so declared

RESULT: RECOMMENDED FOR APPROVAL

7. Any other Old Business proper to come before the Committee
- None.

IV ADJOURNMENT

Councilor Dombrowski moved the meeting be adjourned, seconded by Councilor Brunelle.

VOTE: 3 - 0 Approved and so declared, the meeting was adjourned at 6:06 p.m.

Respectfully submitted,
Jessica Buhle
Committee Chairman
Administration Committee

DISCLAIMER: Although we try to be timely and accurate these are not official records of the Town.