



TOWN OF LEDYARD
CONNECTICUT
TOWN COUNCIL
HYBRID FORMAT

741 Colonel Ledyard Highway
Ledyard, CT 06339

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Roxanne Maher
Administrative Assistant

Chairman S. Naomi Rodriguez

MINUTES
LAND USE/PLANNING/PUBLIC WORKS COMMITTEE –
REGULAR MEETING

Monday, May 6, 2024

6:00 PM

Council Chambers, Town Hall Annex

DRAFT

- I. CALL TO ORDER – The meeting was called to order by Councilor St. Vil at 6:00 p.m. at the Town Hall Annex Building.

Councilor St. Vil welcomed all to the Hybrid Meeting. He stated for the Town Council Land Use/Planning/Public Works 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
Jessica Buhle	Town Councilor	Excused	In-Person	6:00 pm	6:45 pm
Kevin Dombrowski	Town Councilor	Present	In-Person	6:00 pm	6:45 pm
Gary St. Vil	Committee Chairman	Present	In-Person	6:00 pm	6:45 pm
S. Naomi Rodriguez	Town Council Chairman	Present	In-Person	6:00 pm	6:45 pm
Karen Parkinson	Historic District Commission Member	Present	In-Person	6:00 pm	6:45 pm
Ann Roberts-Pierson	Resident	Present	Remote	6:00 pm	6:45 pm
Carlo Porazzi	Resident	Present	In-Person	6:00 pm	6:45 pm
Douglas Schwartz	Resident	Present	In-Person	6:00 pm	6:45 pm
David Harned	Resident	Present	In-Person	6:00 pm	6:45 pm
Angela Cassidy	Resident	Present	Remote	6:22 pm	
Roxanne Maher	Administrative Assistant	Present	Remote	6:00 pm	6:45 pm

- III. CITIZENS' PETITIONS

Ms. Ann Roberts-Pierson, 4 Anderson Drive, Gales Ferry, thanked the members of the Land Use/Planning/Public Works Committee for their service to the Town. She stated the reason for attending tonight's LUPPW Committee meetings was to address the firing of Director of Planning Juliet Hodge on April 25, 2024. She stated on May 2, 2024 she filed an FOIA Request to the town to obtain a copy noting that she did not see anything in the letter for cause. She asked the following questions:

- Whether the Mayor consulted with the Town Council or the Planning & Zoning Commission prior to the firing.
- Whether the Mayor acquired any legal advice prior the firing.

Councilor Dombrowski responded to Ms. Roberts-Pierson's question, stating that the Mayor did not consult the Town Council, noting that the Town Council has no authority regarding town staff. He stated although he could not speak for the entire Town Council that he would say that the LUPPW Committee was not aware of whether the Mayor consulted an attorney.

Ms. Roberts-Pierson continued by stating in speaking with Ms. Hodge since the beginning of the year that it was her understanding that there were some big Applications coming along and that the Planning & Zoning Commission was going to be very busy in the upcoming summer months. Ms. Roberts-Pierson stated the Town needed to have a Planner who was up-to-speed with the Zoning Regulations. She stated because Land Use Assistant Makenna Perry has taken another job, within the town, that the Land Use Department was not fully staffed. She stated the town needed a full-time Planner and a fully staffed Department to work on what was probably the most complex application the town has ever received, that being the proposed Quarry Application in Gales Ferry. She stated the Exhibit Record for the first Public Hearing for the Quarry Application, which was withdrawn was extensive; noting that the recently submitted Re-Application was even larger. She stated Juliet Hodge worked to uphold Ledyard's Zoning Regulations for all of us. She stated that the timing to fire this person from this position was inappropriate; and she recommended the following be done:

- (1) Rehire Juliet Hodge immediately.
- (2) Town Council take up an investigation into why Ms. Hodge was let go.
- (3) A Moratorium on all Land Use Application should be put into place until the Land Use Office was fully staffed and up-to-speed.

Ms. Roberts-Pierson questioned whether the Regular Planning & Zoning Commission meeting would be held on May 9, 2024, as scheduled. Administrative Assistant Roxanne Maher stated that the Regular Planning & Zoning Commission meeting would be held on Thursday, May 9, 2024.

Councilor Dombrowski stated the Town Council has no control over the Planning & Zoning Commission, other than the appointment of its members.

Councilor St. Vil stated this Land Use/Planning/Public Works Committee was a subcommittee of the Town Council. He explained that their role was to investigate and vet matters pertaining to the operation and the administration of the business of the town and to forward their recommendations to the Town Council for action. He stated per the Town Charter the Mayor was the appointing authority of certain positions within the town, noting that the Planning Director was one of the positions the Mayor appoints. He stated with respect to personnel matters that he was not comfortable discussing how personnel matters were handled by the Mayor in a public forum. He stated that he was sure there was a judicious process for the residents to question the Mayor regarding decisions that he makes. He stated as a resident they have a right to voice their concerns, noting that he would take

their concerns to Town Council Chairman S. Naomi Rodriguez who was also present this evening. He stated that Chairman Rodriguez may; or may not have additional knowledge that this LUPPW Committee does not have. He stated the best he could do was to take residents questions and pass them on to the Town Council for additional action, if the Town Council deemed it was necessary.

Councilor Dombrowski stated that town staff was hired by the Mayor noting that the Town Council does not make recommendations with regard to the hiring of town staff. He stated that he understands Ms. Roberts-Pierson's questions and concerns. He concluded by stating that a full-time Planning Director has been hired, who was well versed in the Town of Ledyard. He stated that he did not know the reason the previous Planning Director was dismissed; and that he did not know if it was within the Town Council's purview to get into the middle of that discussion.

Ms. Roberts-Pierson stated because the Mayor was just one person and the Town Council was a collection of other people, that she believed this matter was worthy of an investigation. Thank you,

Mr. David Harned, 13 River Drive, Gales Ferry, questioned whether the full Town Council would be meeting this week, for the public to speak in this same manner. Chairman Rodriguez stated the Regular Town Council meeting scheduled for May 8, 2024 was cancelled because they had no New Business. She stated the next Regular Town Council meeting was scheduled for May 22, 2024.

Mr. Harned stated he was present this evening to have a voice with some members of the Town Council. He stated that he shared similar concerns that were provided by Ms. Roberts-Pierson this evening regarding the risks to the town, based on the turnover. He stated that he understands that the person who has taken the Planning Director position used to work for the Town; and had a lot of experience, but not with the particular Applications that were in-play. He stated that he was under the impression that the Mayor would seek counsel from the Town Council regarding such matters. However, he stated that he appreciated learning that was not the case. He stated because of the order of magnitude of the Applications that it would take some time to digest them; and he expressed concern that something such as an administrative error could allow an Application to make its way through the process. He questioned, especially with the Land Use Assistant Makenna Perry also being gone, whether the Planning Director would be able to digest everything with the time allotted. He thanked the LUPPW Committee for hearing his comments.

Mr. Douglas Schwartz, 420 Long Hill Road, Groton, stated the Town was in the in the early stages of a Constitutional Crisis. He stated Ledyard had no checks and balances and no ethics commission. He stated three-quarters of the State's towns have an Ethics Commission, an Ethics Code, and a Policy to provide information for when people were required to recuse themselves; and not recuse themselves. He stated absent a Charter Revision, that he understands that nothing can be done in the short term.

Mr. Schwartz continued by presenting a copy of Ms. Juliet Hodge's Termination Letter, noting that it almost guaranteed litigation. He stated that they probably would be legally advised to remain silent, and not to have any public discussions. However, he stated this was not the big law suit problem, noting that the big lawsuit problem stemmed from a Supreme Court Decision that was made five years ago in 2019 "*Nick vs the Township of Scott*".

Mr. Schwartz stated the 2019 "*Nick vs the Township of Scott*" Decision changed the status of all Land Use Decisions. He suggested the town consult with their Attorneys Shipman and Goodwin, noting that they submitted a Brief to the Supreme Court urging them to adopt the "*Nick vs the Township of Scott*" Decision. He stated based on "*Nick vs the Township of Scott*" Decision that anyone whose property loses value due to a Land Use Decision that they had immediate access to the Federal Court. He stated under the *Civil Rights Act of 1871* they were entitled to full compensation for the loss of value of their property.

Mr. Schwartz provided a copy of "*Nick vs the Township of Scott*" Decision and the noted per 42 U.S.C. § 1983 (*the Civil Rights Act of 1871*) provides plaintiffs the following:

- Compensatory damages
- Punitive damages
- Attorney fees

The municipal government and the individual officials responsible for Takings Clause violations were those who become defendants if impacted property owners bring a federal action § 1983 .

Mr. Schwartz continued by suggesting they consult with Attorneys Shipman and Goodwin. He stated any individual on a Planning & Zoning Commission who was involved with depriving someone of the full value of their property was now subject to a Civil Rights Action (*Civil Rights Act of 1871*), noting that they need to be indemnified. He stated under Federal Jurisprudence the Municipality was considered a person, and was subject to the same Civil Rights Action in Federal Court. He stated there were people who were farming Oysters in the Thames River, and Mount Decatur was made of the type of rock that was high in arsenic, stating that this sediment would end up in the River, noting that this could be a lawsuit. In addition, there were people across the River with no sound barrier, noting that the proposal was to make a horseshoe area that would be like an amphitheater pointing across to Uncasville. He stated the Zoning Regulations were established by a deliberate democratic process, noting that there was a small minority that did not like the Zoning Regulations.

Mr. Schwartz stated what if a Blast Zone was placed in the middle of a tranquil neighborhood in Gales Ferry, and hundreds of plaintiffs all formed a Class from both Uncasville and Ledyard because they do not want to have their windows rattle, they do not want to have their health impacted by the dust in the air, and other negative impacts, noting that this could bankrupt the town.

Mr. Schwartz urged them not to listen to the employment attorneys, who would tell them to stay quiet, noting that Ms. Hodge was enforcing the Zoning Regulations, and he suggested that they review Mr. Treaster's two Exhibits that he submitted earlier this year.

Mr. Schwartz concluded by stating that it was incumbent on the Commission to investigate, and not hide behind a wall of silence. He suggested they get this out as quickly as possible, because the public would select their own FOIA requests, which was not a good way to do this; especially when this whole thing was done in secret. He stated that he also had a list of potential avenues of inquiry that they may want to investigate.

Mr. David Harned, 13 River Drive, Gales Ferry, stated that he was a fan of Ms. Hodge, not because of her bias, but because of her everything but her bias. He stated Ms. Hodge was balanced, fact based, and objective person. He stated that she provided help to him and his family for some emotional aspects related to health in his family. However, when he came to her with issues where he was pushing too hard, that Ms. Hodge pushed back really hard. Therefore, he stated that he did not want this to come across as a group of people who were lobbying for someone just because they liked them; or because they feel like she was their savior against the big bad company, etc. He stated that he believed that he could speak for all of them in that it was not about bias, noting that Ms. Hodge was completely impartial, well balanced, and put a good set of Zoning Regulations together, and that was where he saw the value and the potential loss.

Mr. Carlo Porazzi, 30 Chapman Lane, Gales Ferry, thanked the LUPPW Committee for the opportunity to address them this evening. He stated that Ms. Hodge seemed like a voice of reason; she was well balanced, logical and fair. He stated that he had the same comments that his fellow residents expressed who spoke earlier tonight. He stated that he was not big on town politics; however, some things have forced him to learn; which was the reason he was present this evening. He stated based on the LUPPW Committee's comments this evening that he understood that their job was to take the concerns they received to the Town Council, and he asked that they capture the comments this evening and bring them to the Town Council noting that this matter was only going to get bigger and louder; and they need to be aware. He stated that he would also take this matter up with the Planning & Zoning Commission and Town Council during their meetings as well.

Councilor St. Vil thanked the residents for their comments this evening. He explained that when residents share commentary in a public forum, such as tonight's meeting that they become part of the official record; and would remain available. He stated in addition to the written record that there would also be a video and audio record that was available on the town's website on their meeting portal. He stated he appreciated their input, noting as he explained earlier the LUPPW Committee's role and responsibility was limited, but that they would pass the information the residents provided this evening along; and that hopefully there would be some recourse.

Administrative Assistant Roxanne Maher noted that two people have joined the meeting remotely noting that one was Angela and the other was pixel7pro; and she asked that they identify who they were.

Angela stated that she was Angela Cassidy.
pixel7pro did not state who they were.

Councilor Dombrowski asked that *pixel7pro* provide their identity, noting that those who do not identify who they were would be removed from the meeting, explaining that they have had their meetings Zoom Bombed in the past; stating they had one a few months ago that was very offensive; and therefore, as a safety measure, those who do not identify themselves would be removed.

Councilor St. Vil questioned whether those who were attending remotely would like to comment. Hearing none, the LUPPW Committee waited a few minutes, with no response *pixel7pro* was removed from the meeting.

IV. PRESENTATIONS/INFORMATIONAL ITEMS- None.

V. REVIEW AND APPROVAL OF PRIOR MEETING MINUTES

MOTION to approve the Regular Meeting Minutes of April 1, 2024

Moved by Councilor Dombrowski, seconded by Councilor Dombrowski

VOTE: 2 - 0 Approved and so declared

IV. OLD BUSINESS

1. Progress regarding the enforcement of regulations to address blight issues

Councilor St. Vil noted the last Blight Report provided was for the period ending March 31, 2024; which the LUPPW Committee reviewed at their April 3, 2024 meeting. He stated for their June 6, 2024 meeting the Committee would look for an updated Blight Report to be provided.

RESULT: NO ACTION

Next Meeting: 06/03/2024 6:00 p.m.

2. Process to designate the Spicer Homestead Ruins, within the Clark Farm property, as a Registered Historical Site.

Mrs. Karen Parkinson, 5 Rose Hill Road, Ledyard, Historic District Commission Member, stated Historic District Commission Chairman Earl (Ty) Lamb ask that she prepare a Milestone Map to layout the process to seek a designation from the State listing the Spicer Hill Homestead on the Historic Registry. Mrs. Parkinson presented and reviewed a Draft Milestone Road Map as follows:

DRAFT

**MILESTONE ROAD MAP FOR
SPICER HOMESTEAD PRESERVATION**

Below is an outline from the original grant application to Community Foundation for funding in 2022.

"The project will seek to acknowledge, recognize, describe, protect and preserve an area tentatively identified as the "Spicer Ruins".

1. **Acknowledge** – The property needed to be verified, acknowledged and recognition need to be provided stating that the area was actually the ruins of the original Spicer Homestead.
2. **Recognize** - There needed to be a recognized value and historic importance of the site. Mrs. Parkinson stated that there were very few, if any, such well preserved, undisturbed homestead sites with intact stone walls.
3. **Describe** - The site needed to be appraised and evaluated by the appropriate experts of early American life, particularly the 100 years before the Revolutionary War.

Mrs. Parkinson stated as of May 2024, the first three steps have been accomplished. This was documented in the report titled “*The Spicer Ruins Project 2022*”. The site was acknowledged (verified), recognized and described in the report by Sarah Holmes, Ph.D. (Archaeology Consultant).

4. **Protect** – Mrs. Parkinson explained this site required some protection, as it becomes more visited and the Tri-Town Trail usage increases, the opportunities for possible accidental damage or vandalism would only increase. She commented that she was not saying that trail users would desecrate the site, but some level of signage, roping, or fencing should limit actual touching or moving rocks, etc. For example: *There should be no use of metal detectors, digs, or removal of rocks.*

Mrs. Parkinson stated that a Rotary Grant in the amount of \$ 1,000 has been made available to the Tri-Town Trail (TTT) Association to be used for signage and roping and/or fencing to afford some level of protection. The exact area to be “*protected*” was yet to be determined.

5. **Preserve** – Mrs. Parkinson stated the site needed some designation to ensure that it would be preserved, along with the preservation of the great trees. She noted that this site could possibly become a living laboratory for educational purposes; however, a plan needed to be developed by knowledgeable individuals and groups.

Mrs. Parkinson stated that they need to figure out how much of the Spicer Homestead they wanted to preserve and to what degree do they want to preserve the site.

Mrs. Parkinson went on to explained that once Administrative Control of the site was assigned to the Historic District Commission, that the Commission would seek the appropriate level of designation from the State Office of Archeology. A “site number” 72-290 for the site has already been assigned. The site number was only for identification purpose.

Mrs. Parkinson noted that the previous LUPPW Committee conducted a Site Walk of the Spicer Homestead Ruins on October 20, 2023, stating that Connecticut Preservation Archaeologist Stefon Danczuk accompanied them on the site walk, noting that it was very interesting, because Mr. Danczuk was able to answer a lot of questions. She stated that she hoped he could join them on their next Site Walk of the Spicer Homestead Site.

Mrs. Parkinson stated the next steps were as follows:

1. Assignment of Administrative Control of Spicer Homestead site.

Councilor Dombrowski stated that currently the Clark Farm was under the Administrative Control of the Town Council. Mrs. Parkinson stated that the Ledyard Historic District Commission has agreed to assume administrative control of the site, should the Town Council assign the Spicer Homestead Ruins to them.

2. The Land Use Committee will conduct a “Site Walk” and propose a “Site Map” to determine the boundaries of site.

Mrs. Parkinson stated that a Surveyor’s Map may be required. (cost and responsibility to be determined).

3. The Land Use Committee would refer to the Town Council for review and action.

Councilor St. Vil thanked Mrs. Parkinson for the update regarding the work that has been done to date. He suggested the LUPPW Committee schedule a Site Walk of the Spicer Homestead Ruins on Tuesday, May 21, 2024 at 5:00 p.m. Mrs. Parkinson stated that she would meet the LUPPW Committee at the Red Barn.

Councilor St. Vil requested that once the boundary area of the Spicer Homestead Ruins has been determined that the Historic District Commission define the area. He stated this would help them to clarify within the context of the State Statute the level of preservation they were interested in obtaining and to protect the area from other use going forward.

Councilor St. Vil went on to state that Councilor Dombrowski has been working to research the State Historic Preservation Process. Councilor Dombrowski stated that he would take the work that has been done to-date and try to create the framework required to accompany their Application to the State. He stated some additional information may be needed from the Historic District Commission, noting that they wanted to work cohesively to move this initiative forward. He stated as a personal friend of a descendant of the Spicer Family that he found the project interesting.

Councilor St. Vil provided a recap as follows:

- Site Walk May 21, 2024 at 5:00 p.m.; meet at the Red Barn.
- Continue to review the State Statute and develop Application Framework.
- Historic District Commission to define their desired level of historic designation.

Councilor St. Vil questioned whether there was anything else at this time the LUPPW Committee could do to assist the Historic District Commission. Mrs. Parkinson stated that the LUPPW Committee has been very supportive.

Ms. Ann Roberts-Pierson, 4 Anderson Drive, Gales Ferry, questioned whether the Historic Commission was searching for a designation or whether the State’s Historic Registered Designation their goal. Mrs. Parkinson stated Ms. Roberts-Pierson had a good question; however, she stated that she did not know the answer at this time. She stated that they were searching for a designation where nothing at the Spicer Homestead Ruins would be destroyed; however, they did not want the site to be controlled by the State.

Ms. Roberts-Pierson questioned whether this property had an Open Space Designation. Councilor Dombrowski stated that the Spicer Homestead Ruins, was located within the Clark Farm property; noting that the Clark Farm was not designed as Open Space.

Ms. Roberts-Pierson stated she was a member of both the Historic District Commission and the Conservation Commission when the Town and the Mashantucket Pequot Tribe swapped the Indiantown Park Property for the Clark Farm Property (Referendum held on May 22, 2007). She stated at that time the Conservation Commission recommended to Mayor Fred Allyn, Jr. that the Clark Farm be designated as Open Space. However, she stated the Mayor responded, at that time, by stating that when they had an idea of what they wanted to do with the Clark Farm Property that they would then decide if any area could be designated as open space. Mrs. Parkinson stated the Clark Farm was not designated as open space.

RESULT: CONTINUE

Next Meeting: 06/03/2024 6:00 p.m.

3. Safety issues at the Park on East Drive – Christy Hill Park

Councilor St. Vil stated that he has not heard about any additional issues since their April 1, 2024 meeting.

Chairman Rodriguez stated in talking with Mr. Jamison he stated that he locked the Park Gate on the weekends because no Parks & Recreation personnel work on the weekends. She noted that Mr. Jamison stated that the Park Gate remained locked until Walt unlocked the Gate on Monday. She stated that Mr. Jamison's *Ring door camera* sees people late at night slowing down, but when they see the Park Gate was locked they continue on their way. However, she noted that Mr. Jamison also stated because the Park Gate was locked on the weekends that during the day people park along the outskirts of the Park to access the Park. Chairman Rodriguez continued to note that Mr. Jamison stated that there were no problems during the week and that he sees the Police drive by the Park. Chairman Rodriguez stated that she also told Mr. Jamison that the former Parks & Recreation employee, who locked the gate, retired.

Councilor Dombrowski stated that residents like to use the parks on the weekend; therefore, he questioned what made the Christy Hill Park on East Drive different from other Town Parks that residents had access to on the weekend.

Ms. Ann Roberts-Pierson, 4 Anderson Drive, Gales Ferry, stated the Chirsty Hill Park abuts the Avalonia Land Conservancy Property. She stated Southeastern Connecticut Water Authority (SCWA) was concerned about the property because the Park was their access to the aquifer that serviced about 800 homes in the area. She also stated the Park for the people who lived in the area was important for recreational purposes.

Councilor Dombrowski stated that gaining access to the aquifer and the security of the aquifer was Southeastern Connecticut Water Authority (SCWA) responsibility, not the Town of Ledyard's responsibility. He stated SCWA was not a town entity.

Councilor St. Vil stated at their April 1, 2024 meeting that Parks, Recreation & Senior Citizens Director Scott Johnson, Jr., stated that Parks & Recreation would make every effort to control the access to the Christy Hill Park on East Drive. He stated that he would contact Mr. Johnson about access to the Park on East Drive.

RESULT: CONTINUE

Next Meeting: 06/03/2024 6:00 p.m.

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

V. NEW BUSINESS

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

IX. ADJOURNMENT-

Councilor Dombrowski moved the meeting be adjourned, seconded by Councilor St. Vil.

VOTE: 2 - 0 Approved and so declared, the meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Gary St. Vil
Committee Chairman
Land Use/Planning/Public Works Committee