6X.1

Fred Allyn, III

From: Ritter, Matthew D. <MRitter@goodwin.com>
Sent: Wednesday, October 15, 2025 1:33 PM
To: Fred Allyn, III; Kristen Chapman
Subject: Comments to Ordinance

Mayor – I hope you can kindly share my comments with the Town Council. I would note that some of my previously suggested edits have been made.

However, I did flag many of the same sections discussed below in my prior draft and I did not review any subsequent drafts after my initial review. In addition, this ordinance appears to be a blend of several other municipal ordinances. In some cases, as I will note below, there are capitalized terms or key terms that are not defined or the ordinance contains redundant sections. I would suggest the Town start over with an ordinance from a single Town and add in provisions to that ordinance. I believe that will lead to a more streamlined review process and avoid inconsistencies within the ordinance.

Comments Below:

1. Definition of a "Financial Interest" – in the new subsection (b) it says "pecuniary or material benefit." A pecuniary benefit is defined in subsection (a) above as anything worth more than $100. I would add a definition to clarify what a "material benefit" is for a Town official or Town employee.

2. I would recommend merging subsections (b) and (c) under the new definition of financial interest because there is little difference between the two definitions. Both provisions are aimed at preventing a Town official or employee from obtaining a financial gain or loss due to official Town action.

However, subsection (c) does not have the same carve out that appears in subsection (b) – "except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all persons and/or property similarly situated."

I also want to clarify the following fact pattern: a BOE secretary has a husband who is an electrician. Can the electrician bid on a Town contract under the new definitions? Is this a "contract or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all persons and/or property similarly situated?"

3. Under the language in subsection (c), if a Town Council member owns $200 worth of stock in a company and that company wants to move to Town, is it a violation of this provision for that member of the Town Council to vote on an agreement with the company to relocate to Ledyard? What if the stock is held in a trust or 401k? Same outcome?

Subection (c) also says that a Town employee has a financial interest if they are an "employee" of a business or professional enterprise that may "directly or indirectly" receive a financial gain or loss as a result of a Town action. These types of sections usually run to the owner (or other high ranking officials) of the company and not regular employees. For example, what if a member of the Planning & Zoning Commission works at CVS as a cash clerk in New London. Are they prohibited from voting on a CVS zoning application in Ledyard?

EX. 1

4. Typo in this sentence: "except for such contracts of transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all persons and/or property similarly situated"… it should say "or" not "of."

5. New definition of immediate family – "anyone living in the same household." Does this include someone who may rent a room and is not related to the owner? What about two roommates who are not related and move in together?

6. Town employee definition has been expanded to include the "town attorney' and "outsourced administrative or executive professionals."

A. Whose responsibility is it to alert every outsourced administrative or executive professionals that they are subject to the Town's Code of Ethics and that they are held to the same standard as Town employees? Will these provisions be part of standard Town contracts?

B. Who is an "outsourced administrative or executive professional?" I would make this a defined term if it is to remain in the ordinance.

C. Under the current draft, if the Town hires an "executive professional", certain provisions of Section 5 apply to the spouse or the child, for example, of that executive professional. Section 5, subsection 6. now provides that the spouse of an executive professional cannot receive a gift from another Town contractor (and in this example neither the executive professional or the Town contractor work for the Town or the BOE). I think the Town will find it difficult, if not legally impossible, to regulate non-Town employees to this extent.

7. Section 5 – I deleted this provision in my original comments because it is a subjective standard as opposed to an objective standard. I think the Ethics Commission and lawyers will have a hard time agreeing on what is "incompatible with the proper discharge" of a person's "independent judgment or action in the performance of that person or person's duties."

8. Section 5, subsection (4) typo: "This provision does not apply to Town employees or Board of Education employees providing recreational including but not limited to classes, coaching, or camp counseling through Ledyard Parks and Recreation or Ledyard Board of Education."

Should it say "recreational services"?

9. Section 5, subsection 6. - A Town official or Town employee shall not accept or receive, directly or indirectly, from any person or business to which any contract or purchase order may be awarded by the Town of Ledyard or any of its boards, agencies, or commissions any money, rebate, or gifts, or any promise, obligation, or contract for future reward or compensation.

What does "may be awarded" mean? I would clarify that it means someone who has bid on a contract or has been awarded a contract.

10. Section 5, Subsection 7. – I would recommend deleting subjective standards. What constitutes private employment that "could tend to impair independence of judgment or action by the Town official or Town employee"?

11. Section 5 – Subsection 8. – what does this mean- "A Town official or a Town employee, not otherwise restrained by the Code"?

Ex. 1

In addition, that same section cites to "Agencies" which is capitalized and not defined elsewhere in the Ordinance.

12. Section 5 – Subsection 12 – what is "personal gain?" It is not defined in the ordinance.

13. Section 5 – Subsection 15 – I am not sure whether the Town can prohibit former employees from working in a job for 1 year after leaving Town service. I am OK with the language as it applies to former Town officials but Town employees may have a claim as to the legality of this provision.