TOWN OF LEDYARD
CONNECTICUT

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339-1551
(860) 464-3203
towncouncil@ledyardct.org

Chairman Gary St. Vil

MEMORANDUM

DATE: October 16, 2025
TO: Ledyard Town Council
FROM: Roxanne M. Maher, Administrative Assistant RM
To the Ledyard Town Council

Subject: *"Ordinance Establishing a Town of Ledyard Code of Ethics and Ethics Commission for the Town of Ledyard"*

In accordance with the Town Charter, I am transmitting *"Ordinance Establishing a Town of Ledyard Code of Ethics and Ethics Commission for the Town of Ledyard* which the Mayor stated his disapproval in his letter dated October 16, 2025 listing his reasons for not approving the proposed Ordinance.

Chapter III, Section12 of the Town Charter states the following:

Every ordinance, except an emergency ordinance or an ordinance relating to the Town Council or its procedures, shall, before it becomes effective, be certified to the Mayor for his approval within seven (7) days of the final passage by the Town Council. The Mayor shall sign the proposed ordinance, if he approves it, whereupon, subject to the provisions of Section 5 of this Chapter, it shall become effective. If he disapproves a proposed ordinance, he shall, within five (5) days of its receipt by him, return it to the clerk of the Town Council with a statement of the reasons for his disapproval, which statement shall be transmitted by said clerk to the Town Council at its next meeting.

If the Town Council shall pass the proposed ordinance by an affirmative vote of at least six (6) members within fourteen (14) days after such ordinance has been returned with the Mayor's disapproval, it shall become effective without his approval subject to said Section 5. *If the Mayor does not return the proposed ordinance within the time required, it shall become effective without his approval subject to said Section 5.*

Should you have any questions, please feel free to contact me.

Thank you.

TOWN OF LEDYARD
CONNECTICUT
OFFICE OF THE MAYOR

Fred B. Allyn III
Mayor

Kristen Chapman
Executive Assistant to the Mayor

741 Colonel Ledyard Highway
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(860) 464-3222
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October 16, 2025

Ledyard Town Council
C/O Chairman Gary St. Vil
741 Colonel Ledyard Hwy.
Ledyard, CT 06339

RE: Disapproval of Ordinance #100-021

Chairman St. Vil,

I return to you the attached Ordinance #100-021 which is disapproved. Also attached are 2+ pages of comments from the Town Attorney, indicating issues with the document as well as 2 pages of comments from Parks and Rec Director Scott Johnson Jr. My concern is and continues to be a lack of a proper ordinance that reasonably addresses concerns raised in prior meetings, reduces liability exposure to the Town, does not adversely impact Parks and Rec programming for our residents and does not become a political weapon- as demonstrated in Montville and Waterford most recently. The Town Attorney has stated "he cannot defend this ordinance". Of grave concern is another attachment, which is Councilor Buhles reply email to me on Thursday, October 9th at 11:30AM. (You are provided both my email to her and her response to me). The one line response "I am working on it now and anticipate having it to you shortly" flies right in the face of governmental transparency as the Town Council voted on this ordinance the previous night (without the benefit of any Councilor having a copy of the ordinance they were voting on, other than Ms. Buhle). This email does not suggest, it says that she is ***working on an ordinance that was passed the night before.*** No ordinance should be edited in any way after approval- it should be exactly as was voted on the previous night. An ordinance that goes to Public Hearing is meant to be the final draft- it should not be amended post- Public Hearing. Lastly, I want to add further context to a memo you read at the October 8, 2025 meeting authored by Fred Allyn Jr, then Mayor. In said memo, it suggested the town create an ethics commission. What was omitted from the 10/8 meeting is that as part of the forensic audit- completed as a result of the embezzlement by a Town Employee, a decision was made to implement a Fraud Policy, require two sign-off's on checks of a certain dollar threshold, the

tax refund policy and the vehicle use policy. Since that time nearly two decades ago, the implemented policies continue to protect the Town and taxpayers.

As I previously stated in my letter to the Town Council on 9/24/25:

- The Town Charter grants the Town Council the power to investigate.
- The Fraud Policy outlines no less than eight different situations that constitute fraud.
- The Employee Handbook covers Nepotism, Conflict of Interest, Outside Employment and the Vehicle Use Policy.

Lastly, *there is no budget for this new commission or its attorneys.* Please note, the Authority/Duty of the new commission, upon receipt of a complaint is "To consult with The Town Attorney or another attorney" and "To request that the Town Attorney provide advisory opinions". These consultations, investigations and advisory opinions cost money. The Town Attorney has suggested a minimum of $20,000 for such a commission- though it can go markedly higher based on the allegations, if the result is appealed to Superior Court, etc. Also know, the Town is required to provide legal counsel to the accused. Our insurance carrier, CIRMA includes stated deductibles between $1,000 and $10,000 per occurrence.

In closing, please know I do fully support a proper "Code of Ethics" and updating to our Fraud Policy and Conflict of Interest statement, if warranted.

Thank you,

Fred B. Allyn III

Mayor

AN ORDINANCE ESTABLISHING A TOWN OF LEDYARD CODE OF ETHICS AND ETHICS COMMISSION

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

Section 1. Authority

In accordance with Chapter III of the Town Charter, there is hereby established a Town of Ledyard Code of Ethics and Ethics Commission.

Section 2. Declaration of Policy and Purpose

The trust of the public is essential for government to function effectively. The proper operation of the Town government requires that Town officials, and Town employees be independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of governmental structure; that public office and employment not be used for personal gain; and that the public has confidence in the integrity of its government.

Therefore, herewith is an established Code of Ethics for all Town officials and Town employees. The purpose of this code is to establish standards of ethical conduct for all such officials and employees, and for those who serve or conduct business with the Town of Ledyard, to assist those parties under the jurisdiction of the Ethics Commission by establishing guidelines for their conduct in order to maintain a tradition of responsible and effective public service; and to establish rules of procedure to be followed by the Ethics Commission in receiving adjudicating, and reporting on alleged violations of the Code of Ethics.

Section 3. Applicability

The Code of Ethics shall apply to all Town officials, including members of the Board of Education, and all Town and Board of Education employees.

Section 4. Definitions

As used in this ordinance, the following words or phrases shall have the meanings indicated:

1. *"Complainant"* means any person who signs a complaint under penalties of false statement alleging a violation of this Code.

2. *"Confidential Information"* means information acquired by a Town official or Town employee in the course of and by reason of performing an individual's official duties and which is not a matter of public record or public knowledge.

3. *"Financial Interest"* means:

   a. Any interest that has a monetary value of more than one hundred dollars ($100.00) in any calendar year and is not common to the other citizens of the Town;

   b. Pecuniary or material benefit accruing to a Town official or Town employee, or immediate family of an official or employee of the Town as a result of a contract, transaction, zoning decision or other matter which is, or may be, the subject of an official act or action by or with the Town of Ledyard 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;

c. Shall be deemed to exist if any Town official, Town employee, immediate family of a Town official or employee might, directly or indirectly, derive financial gain or suffer loss from any purchase, contract, transaction, zoning decision, or other matter involving any such Town office, board, commission, authority or committee, and shall also be deemed to exist if a business or professional enterprise in which the Town official or employee has any financial interest as owner, member, partner, officer, employee or stockholder or has any other form of participation which will be affected by the outcome of the matter under consideration.

4. *"Gift"* means anything of economic value in excess of one hundred dollars ($100.00), including but not limited to entertainment, food, beverage, travel, and lodging. A gift does not include:

a. A political contribution that is otherwise reported in accordance with the law.

b. Services provided by persons volunteering their time.

c. A commercially reasonable loan that is made on terms not more favorable than loans made in the ordinary course of business.

d. A gift received from a member of a person's immediate family or fiancé.

e. Goods or services which are provided to the municipality and facilitate government actions or functions.

f. A certificate, plaque, or other ceremonial award.

g. A rebate or discount on the price of anything of value made in the ordinary course of business, without regard to that person's status.

h. Printed or recorded information germane to municipal action or functions.
An honorary degree.

i. Costs associated with attending a conference or business meeting and/or the registration or entrance fee to attend such conference or business meeting in which the Town official or Town employee participates in his or her official capacity.

j. Any gift provided to a Town Official or Town Employee or to an immediate family member of a Town Official or Town Employee for the celebration of a major life event provided any such gift provided to an individual does not exceed one thousand dollars ($1,000.00) in value. A major life event shall include, but not be limited to, a ceremony commemorating an individual's induction into religious adulthood such as a confirmation or bar mitzvah; a wedding; a funeral; the birth or adoption of a child; and retirement from public service or Town employment.

5. *"Immediate family"* means spouse, fiancé, child, parent, grandchild, brother, sister, grandparent, niece, nephew, daughter-in-law, son-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, or anyone living in the same household.

6. *"Respondent"* means any person accused of violating this Code.

7. *"Town Official"* means any person holding elective or appointive office in the government of the Town, including members of the Board of Education.

8. *"Town Employee"* means any person receiving a salary, wages, or stipend from the Town or the Board of Education for services rendered, whether full-time or part-time, including outsourced administrative or executive professionals, including but not limited to consultants and the Town Attorney.

Section 5. Conflict of Interest Provisions

1. A Town official, Town employee, or any member of his or her immediate family shall not engage in or participate in any business or transaction, nor have an interest, direct or indirect, which is incompatible with the proper discharge of that person or persons' independent judgement or action in the performance of that person or persons' official duties.

2. A Town official or any member of his or her immediate family shall not have a financial interest in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the board, agency or commission of which that person is an elected or appointed member.

3. A Town employee or any member of his or her immediate family shall not have a financial interest in any contract or purchase order for any supplies, materials, equipment, or contractual services that is within the purview of such Town employee, unless the contract or purchase order is awarded through the traditional bid or quote process and conflict is disclosed.

4. The Mayor of the Town of Ledyard and members of the Town Council of the Town of Ledyard, members of the Board of Education of the Town of Ledyard, and any members of their immediate family shall not have a financial interest in any contract or purchase order for any supplies, materials, equipment, or contractual services furnished to or used by the Town of Ledyard. 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.

5. A Town official or employee shall refrain from voting upon or otherwise participating in any matter on behalf of the municipality if he or she, a member of his or her immediate family, or a business with which the person is associated has a financial or personal interest in the transaction or contract, including but not limited to the sale of real state, material, supplies, or services to the municipality. If such participation is within the scope of the Town official's or Town employee's responsibility, he or she shall be required to provide written disclosure, that sets forth in detail the nature and extent of such interest.

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.

7. No Town officials or employees shall accept a gift or engage in private employment or render services when the gift, employment, or services are incompatible with the proper discharge of the official duties of the Town official or Town employee, or could tend to impair independence of judgement or action by the Town official or Town employee, in the performance of his or her official duties. If a prohibited gift is offered to a Town official or a Town employee, he or she shall refuse it, return it, or pay the donor the market value of the gift.

8. To avoid even the appearance of impropriety or creation of a situation that would be contrary to the declared policy and purpose of this Code, a Town official or a Town employee, not otherwise restrained by the Code, shall exercise care when appearing before other Agencies and shall disclose whether he or she is appearing in his or her official capacity or as a private citizen.

9. A Town official or employee who have a financial or personal interest in any transactions or contract with the Town, including but not limited to the sale of real estate, materials, supplies, or services to the Town, on which that person or persons may be called upon to act in that persons official capacity shall not vote or otherwise participate in the transaction on behalf of the Town. The Town official or employee shall declare on the record that he or she has or have a conflict of interest.

10. No Town official or Town employee shall solicit or accept a gift from any person or business entity which is interested directly or indirectly in any business transaction or pending matter that is within the purview of such Town official or Town employee.

11. Town officials and Town employees shall not use Town owned vehicles, equipment, facilities, materials, or property for personal convenience or profit.

12. No Town official or Town employee shall disclose or use confidential information acquired in the course of and by reason of his or her official duties for personal or financial gain or for the personal or financial gain of a member of his or her immediate family.

13. No Town official or Town employee may directly hire or supervise a member of his or her immediate family or participate in influencing the appointment or hiring of his or her immediate family.

14. No former Town official shall represent anyone before any Town agency, board, commission, council, or committee in which he or she was formerly an elected or appointed member for a period of one (1) year following the end of such former member's service on such agency, board, commission, council, or committee.

15. No former Town employee shall represent anyone before any Town agency or department for which he or she was formerly employed for a period of one (1) year following the end of such former employee's employment with the Town.

Section 6. Disclosure of Interests Required

1. Any Town official or Town employee who has a private financial interest in any action, legislative or otherwise, by any Town agency and who is a member of, participates in discussion with or give an official opinion to such Town agency shall disclose on the written records of such agency the true nature and extent of such interest. This section shall not apply to:

   a. Contracts awarded to the lowest responsible bidder after public advertisement.

   b. Unpaid appointed officials during a declared state of emergency.

   c. Matters requiring disclosure to or approval by a court.

   d. The Town Attorney, Town Engineer, or similar Official, who is participating in or offering an opinion on behalf of said agency, and whose financial interest is merely in being paid for such services.

2. All Town Councilors, Board of Education members, and the Mayor shall, on or before January 1st each year, file with the Town Clerk, on a form to be prepared by the Town Attorney, a statement, under oath, containing the following information:

   a. All real estate located within the Town of Ledyard owned by such elected official or held under a lease for a term exceeding five years, excluding, however, his or her principal residence. The foregoing shall also apply to real estate owned or leased, as aforesaid, by a corporation, trust or partnership in which any such elected official is the legal or equitable holder of at least 5% of the legal or equitable interest in said corporation, trust, or partnership.

   b. The names of any firm, proprietorship, partnership, or corporation of which said elected official is an employee or in which such elected official holds at least a five (5) percent interest, and which firm, proprietorship, partnership, corporation, or limited liability corporation has sold or supplied goods or services in excess of ten thousand dollars ($10,000) per annum to the Town of Ledyard during the two years immediately preceding such official's election to office.

   c. Any income, fees, salary, or wages directly or indirectly, received by such official from the Town of Ledyard or its political subdivisions during the two years immediate proceeding such official's election to public office.

Section 7. Establishment of an Ethics Commission

1. Membership

The Ethics Commission shall be comprised of five (5) regular members and two (2) alternate members. All members of the Ethics Commission shall be electors of the Town.

   a. No more than two (2) Regular Members may be affiliated with any one political party. Both Alternate Members may not be affiliated with the same political party. At least one Regular Member shall be registered as an unaffiliated.

b. No regular member or alternate member of the Ethics Commission shall:

i. Be a Town official or Town employee of the Town of Ledyard or be a member of the immediate family of any Town official;

ii. Have held any elected Town or State office for a period of one (1) year prior to being appointed to the Ethics Commission.

iii. Be a member of a Town committee or commission.

iv. Serve as a member of another Town agency, board, commission, council, or committee.

v. Have been employed by the Town for a period of one (1) year prior to being appointed to the Ethics Commission.

vi. Have any financial interest in matters before the Town or the Board of Education unless disclosed to the Ethics Commission.

vii. Have been found in violation of any federal, state, municipal, or professional Code of Ethics.

2. Terms of Appointment

a. Members shall be appointed by the Town Council for a term of three (3) years and shall serve until their successor has qualified or is removed by the Town Council.

b. In making the original appointments under this ordinance, the Town Council shall designate two (2) regular members to serve for three (3) years; two (2) regular members to serve for two (2) years; one (1) regular member to serve for (1) year; one (1) alternate member to serve for three (3) years; and one (1) alternate member to serve for two (2) years. Thereafter, vacancies shall be filled for a three (3) year term.

c. Inaugural members shall be eligible to serve two (2) additional three (3) year term beyond his or her initial appointment.

d. Any vacancy on the Ethics Commission, other than by expiration of term, shall be filled for the unexpired portion of the term by the Town Council.

e. The Town Council may remove members for cause and fill the vacancy in accordance with the Town Charter. Cause for removal shall include, but is not limited to, an unexcused absence from three (3) consecutive meetings. It shall be the responsibility of the Chairman of the Ethics Commission to notify the Town Council when a member has not properly performed his or her duties.

f. Within thirty (30) days of the appointment of the Ethics Commission, an organizational meeting shall be held at which members shall choose a Chairman, Vice-Chairman, and a Secretary.

3. Authority/Duties

The Town of Ledyard Ethics Commission shall be authorized to perform the following:

a. To consult with the Town Attorney or another attorney hired by the Ethics Commission if so authorized by the Town Council.

b. To request that the Town Attorney provide advisory opinions.

4. Filing of Complaints

A complaint alleging any violation of the Code of Ethics shall be made on a form prescribed by the Ethics Commission and signed under penalty of false statement. The form shall be delivered to the Town Clerk who shall transmit a copy of the complaint to the Chairperson of the Ethics Commission and the respondent within five (5) days of receipt of the complaint. The Ethics Commission shall also notify the respondent that it will conduct a probable cause determination and invite the respondent to provide any information the respondent deems relevant to the Ethics Commission's determination of probable cause.

No complaint may be made under the Code of Ethics unless it is filed with the Ethics Commission within three (3) years after the violation alleged in the complaint has been committed.

The Complaint shall include:

a. Name of the person accused (respondent)

b. Name of the person filing the complaint.

c. The specific acts alleged to constitute a violation of the Code of Ethics and when said actions occurred.

In the application of this Code of Ethics, care will be given to distinguish between concerns of management of Town employees and violations of the public trust. The daily management of employee performance is the responsibility of the Mayor or School Superintendent in the case of the employees of Ledyard Public Schools. Personnel policies should be the first guide in those areas where applicable. Similarly, the routine activities of the Commission should be governed by its rules and regulations.

5. Evaluation and Acknowledgement

a. Within sixty (60) business days of the receipt of a complaint, the Ethics Commission shall review and determine whether there is probable cause that a violation of the Code of Ethics has occurred. A finding of probable cause means that based on a review of the available information the Ethics Commission determines that reasonable grounds exist to believe that the respondent engaged in prohibited conduct by the Code of Ethics. If the Ethics Commission does not make a finding of probable cause, the complaint shall be dismissed and a copy of its decision shall be mailed to both the complainant and the respondent. Unless the Ethics Commission makes a finding of probable cause, a complaint alleging a violation of this Code of Ethics shall be confidential except upon the request of the respondent.

b. If the Ethics Commission makes a finding of probable cause which shall require four (4) affirmative votes, it shall so advise both the complainant and the respondent within ten (10) business days of its finding and begin a formal investigation process.

6. Hearings

If the Ethics Commission decides that probable cause of a violation of the Code of Ethics exists, it will conduct a public hearing to determine whether or not a violation occurred in accordance with Uniform Administrative Procedure Act ("UAPA") (See Chapter 54 of the Connecticut General Statutes). At the hearing, the respondent will have the right to be represented by legal counsel, to present evidence and witnesses, and compel attendance of witnesses and the production of books, documents, records, and papers, and to examine and cross-examine witnesses, and inspect and copy relevant and material records, papers, and documents not in such person's possession. Hearings are not governed by the legal rules of evidence, and any information relevant to the matter may be considered. The Ethics Commission will respect the rules of privilege recognized by the law. Not later than ten (10) days before the start of the hearing, the Ethics Commission will provide the respondent with a list of its intended witnesses. The Ethics Commission will make a record of the proceedings.

7. Final Decisions

a. Decisions by the Ethics Commission that a person is in violation of the Code of Ethics must result from the concurring vote of four (4) of its members.

b. The Ethics Commission must render its decision within sixty (60) days of the closing of the hearing.

c. Such finding and memorandum will be deemed to be final decision of the commission for the purposes of the UAPA. The respondent may appeal to the superior court in accordance with the provision of Section 4-183 of the Connecticut General Statutes.

d. If the Ethics Commission determines that the Code of Ethics was violated, it will provide the respondent, the Mayor, and the Ledyard Town Council with a copy of its findings and memorandum within ten (10) days after its decision. It will also advise the respondent of his or her right to appeal the decision pursuant to Section 4-183 of the Connecticut General Statutes.

8. Penalties for Violations of the Code of Ethics

A violation of the Code of Ethics may lead to any one or a combination of the following penalties:

a. Order to cease and desist the violation;

b. Pay a civil penalty of up to the maximum amount permitted by State law;

c. Censure;

d. Suspension without pay;

e. Demotion;

f. Termination of employment;

g. Restitution of any pecuniary benefits received because of the violation committed;

Section 8. Severability

If any part of this Code or Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Adopted by the Ledyard Town Council on: October 8, 2025

Signed/Certified on: 10·14·2025

Gary St. Vil, Chairman

Approve/Disapprove on: 10/16/25

Fred B. Allyn, III, Mayor

Published on:

Patricia A. Riley, Town Clerk

Effective Date:

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History: Based on the public's interest to establish standards of ethical conduct for all town officials and town employees and for those who serve or conduct business with the Town of Ledyard. This Code of Ethics and Ethics Commission was developed to establish guidelines for the conduct of those in public service; and to establish a procedure to be followed by the Ethics Commission in receiving, adjudicating, and reporting on alleged violations of the Code of Ethics.