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# Lombardi wins Board of Ethics appeal

October 29, 2015



Tom Lombardi waits silently for his fate during an appeal of a September Board of Ethics decision. The Republican council voted to vacate the earlier decision.

By TAYLOR HARTZ  
STAFF WRITER

Town Councilor Tom Lombardi successfully appealed a Board of Ethics decision this week that had found him in violation of the town's ethical code.

The Board of Ethics (BOE) decision came in a 3-1 vote on Sept. 15 with the majority, delivered by then-Chairman of the BOE Craig Simms, declaring a breach in the town's code of ethics.

On Oct. 20, five members of the town council heard Lombardi's appeal in a special meeting and voted unanimously to vacate the BOE's September decision.

The ethics decision had found that Lombardi violated the code of ethics on June 22 when he voted against revoking the council's approval of a plan for a solar array on a meadow near Hatton School. The solar project involved a 20-year contract with Greenskies Renewable Energy LLC of Middletown, whose Board of Directors is chaired by Robert Landino.

Landino is also the CEO of Centerplan Development, where Lombardi is employed as a controller.

Before the appeal hearing began, three Democratic members of the Council, Dawn Miceli, John Barry, and Christopher Palmieri, recused themselves from the vote due to a conflict of interest.

"I don't feel I can render a fair and unbiased opinion," said Miceli. Barry and Palmieri gave similar explanations for

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Democratic councilors Dawn Miceli, left, and Chris Palmieri recuse themselves from the appeal process.

their recusals, with Palmieri urging all councilors to recuse themselves as well. Then, the three councilors walked out of the special meeting.

Republican councilor Victoria Triano spoke after their departure to say she disagreed with the Democrats' decision to recuse themselves from the vote.

"It is a sad and difficult moment for all of us," said Triano, "but we're elected to do the hard thing."

In opening remarks of the appellate hearing, Lombardi's attorney, Kane Bennett, gave a presentation titled "10 Facts to Correct the Record" to support his argument that the Board of Ethics complaint was investigated improperly

and the decision was flawed.

Edward Rosenblatt, attorney and Democratic Town Leader who filed an ethics complaint in June, and David Rosenberg, attorney for defendants including John Bruetsch, also a complainant, argued that the BOE decision was fair and accurate.

Rosenblatt said that "the mere thought of a potential threat to his [Lombardi's] employer" validated the Board's decision.

"The only thing that counts is whether Lombardi had any reason to think that his vote would have any possible impact on his income or employer," said Rosenblatt.

Rosenberg said there was a clear comingling of business between Centerplan and Greenskies.

Triano referenced a sworn affidavit by Landino in which he stated that Lombardi had no involvement with Greenskies.

Riccio was concerned that the attorneys did not provide proof of a comingling between the two companies and said the council does not have "a broad brush we can paint over the code of ethics" and needed to consider the appeal in specific regard to Lombardi's employment with Centerplan.

In his closing statement, Bennett argued that the process of the Board of Ethics hearing and decision required the decision to be vacated.

"You don't have to go past the first page," said Bennett, who explained that the Board of Ethics stated their decision would be based on the testimony of Bruetsch and Rosenblatt, though neither testified at the Oct. 20 hearing.

"The Board of Ethics basically said that they were there to consider testimonies and then never heard their testimonies," said Bennett, "you need to throw this [decision] out."



Kane Bennett, the attorneys for the defendant, offers his presentation for the appeal.

After a 20-minute recess, Vice Chair Cheryl Lounsbury made a motion to vacate the decision and all charges.

"We just have to look at the facts and make our decision based on that," said Riccio, "There was no clear and concise evidence that was presented."

The remaining members of the council, Riccio, Lounsbury, Triano, Paul Champagne and Stephanie Urillo, all Republican, voted unanimously to vacate the decision made by the board.

Lombardi said he is happy with the council's decision to vacate the Board of Ethics' decision, and thinks the town

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has learned a great deal from this situation.

“My commitment to the residents has not once been compromised during this unfortunate process,” said Lombardi, “I am looking forward to putting this issue behind me and focusing on the issues that the town is facing.”

The town is still involved in an open lawsuit, in the case of Panek v. Town of Southington, regarding the Hatton Meadow Project. The town has recently filed their second motion to dismiss, and the case will continue in New Britain Superior Court on Nov. 20.

To comment on this story or to contact staff writer Taylor Hartz, email her at [THartz@SouthingtonObserver.com](mailto:THartz@SouthingtonObserver.com).

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