

June 5, 2024

VIA EMAIL

Martha Shoemaker, First Selectwoman,

I am writing in response to your letter of June 3, 2024. I understand that I have a deadline of 10:00 AM today to provide this to you. I would note that I am meeting that deadline despite having been hospitalized for some of the eighteen hours allotted since the emails were emailed to me. I would further note that I have faithfully performed every action requested of me since being placed on administrative leave.

You have listed twelve concerns related to my job performance and asked me to address them. I reviewed the materials emailed to me at just past 3:00 PM yesterday. Of the twelve items in your letter, only two are mentioned in the emails. I am uncertain of the origins of the other communications discussed in the letter.

Many of the items in your letter are regarding the dispute between Mark Comstock and Susan Zilke over Mr. Comstock's use of his property on Neck Road. This was a challenging matter involving two difficult individuals. Mr. Comstock has yelled at me and threatened to sue me. He has acted at times in a manner that was calculated to intimidate his neighbor. He was claiming rights that did not seem well supported. I would estimate that I spent between 40 and 50 hours visiting the site, speaking with both owners, researching the land records and the zoning files. The result of this work was a letter to Mr. Comstock spelling out what I believed his rights to be and what conditions were attached to those rights. I provided a copy of the letter to Ms. Zilke and made clear to both of them that this was a "decision" of the Zoning Officer that could be appealed to the Zoning Board of Appeals. The letter was carefully worded and even-handed. Both individuals were sure the other one would appeal, but neither did and the letter has proven extremely useful in settling the issues between those parties. I consider it some of my best work for Old Lyme. If there are concerns about specific things I may have said or done, I would like your understanding to reflect that a good outcome was achieved through my hard work.

I would like to address your specific concerns.

Item 1: I do not have any specific recollection of a July 5, 2023 communication to Cheryl Poirier. I can only state that what you have stated does not sound consistent with my philosophy of being a zoning officer. Additionally, whatever my concerns about Mr. Comstock, I worked diligently to provide the letter outlining his rights for use of the property on Neck Road. I also issued a permit for his use of a farmstand on Shore Road for the summer of 2023.

Item 2: I can say that I have very firm recollections that Mr. Comstock repeatedly attacked Ms. Zilke's sanity and intelligence. I do not have any recollection of stating what is attributed to me by Mr. Comstock. If I did not forcefully push back on Mr. Comstock's claims, it was because Ms. Zilke was not my client and I was trying to mediate a challenging situation, so getting sidetracked by arguments about Ms. Zilke would not have been productive.

Item 7: I communicated with both Mr. Zamarka and Mr. Holth. I do not recall the specifics of the emails. I can say that I remained open to addressing their clients' concerns. Each side had legitimate concerns. In the end, I believe that the decision letter I drafted did a good job of addressing each side's concerns.

Item 8: I do not recall the specific communication set forth here. I can say that I was receiving communication from Susan Zilke and Tammy Tinnerello that Mr. Comstock was interfering with the possible sale of Ms. Zilke's property. As you noted, I indicated that I was not Mr. Comstock's attorney, but I did believe that his interference was counterproductive and urged him to stop.

Item 9: I do not recall this communication at all. It was not included in the materials provided yesterday.

Item 10: I recall speaking with Mr. Zamarka. I cannot specifically recall the details of the conversation. I believe that what you have written does accurately reflect Mr. Orzel's position at that time and that Mr. Orzel was aware that I made Mr. Zamarka of this.

Item 11: I do not recall sending this email. It was not included in the materials provided to me. To the extent that on any given day, I must prioritize my time, I may have related that daily actions by his client would not affect the priority I placed upon this action in relation to others I was working on.

Item 12: I do not recall any communication of this sort. I have no recollection of Ms. Zilke's position in relation to vaccines. I do not recall Mr. Holth telling me this. If it occurred, I am uncertain how relating to Mr. Zamarka what was told to me by Mr. Holth was improper.

Regarding Carolyn Miranda, she has, to my face, threatened to file an ethics complaint on me, been repeatedly nasty to me and generally made it known that she disapproves of me in any number of ways. I have *never* said anything offensive back to her. While I have no specific recollection of the communication in Item 3, I can honestly say that I have had moments of deep frustration following encounters with Ms. Miranda. If I expressed that frustration to another person, that was a poor decision. I will affirm that I will never again offer any thoughts on Ms. Miranda. That said, if you asked me to create a list of other individuals, whether they be town employees, commission members or members of the

general public, who have said similar things either directly to me or within earshot of me, I could fill an entire page with names. Ms. Miranda gets under people's skin. For the purposes of this inquiry, the issue is whether the voicing of an opinion about Ms. Miranda without taking any actions based on that opinion was an abuse of my authority. I believe that it was not.

Regarding Amy Huot, I do recall that specific communication. Amy had just recently started as clerk for the ZBA and Zoning Commission. While she is extraordinarily intelligent and dedicated, she wrote like an engineer. Her draft minutes needed a lot of revisions to make them sound like "minutes". My critique was an attempt to relate to her what I was looking for. And, to her credit, Ms. Huot proved an adept learner, and her minutes now are uniformly terrific. I have found my working relationship with Ms. Huot to be good. The direction I provided Ms. Huot would seem precisely the reason to have me in this role. There was no one else who could have provided this input.

Item 5: This one is fairly simple. My response was actually completely correct. The Zoning Board of Appeals has no jurisdiction over driveways. If the plan shown to the ZBA showed the driveway in one location and they wanted to place it in another location, all that would be required would be for the owner to submit a new plan with a relocated driveway. At that point, I would be obligated to approve it. These sorts of changes happen all the time. The mantra of any zoning officer is that either what is on the ground must match the plans **or** the plans must match what is on the ground. In this case, new plans would have satisfied part 2 of that mantra. There is nothing in any of the emails provided that alters my conclusion that the driveway can legally go where it has been placed once a new plan has been submitted. To have given any other impression would have been inaccurate.

Item 6: I have now reviewed the emails provided on this issue. As someone who was a land use lawyer for twenty year, that statement rings true. And saying it to a lawyer at Robinson & Cole would be like bringing coal to Newcastle. As experienced land use professionals, they know how land use opposition groups operate and the standard tactics they use. My email would have told Mr. Seaman nothing he did not already know.

I would be happy to discuss these items with you further. As all of them appear to relate to my position as zoning officer, I believe it would be appropriate for the Chairman of the Zoning Commission to be in attendance. By ordinance, it is the Zoning Commission that appoints the Zoning Officer and supervises the ZEO in that role. Mr. Orzel would be best positioned to review whether I had exceeded or abused my authority.

Very truly yours,

Eric Knapp