

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 6, 2024, 7:00 PM
SALEM TOWN HALL – CONFERENCE ROOM 1**

**The minutes submitted below have been filed in accordance with
Section 1-225 of the CT General Statutes. They are subject to
final approval with or without amendments by a vote of the Board of Selectmen.
Approval and any such amendments will be detailed in subsequent minutes.**

PRESENT

Edward Chmielewski, Jr.
Thomas (TJ) Butcher
Ron LaBonte
Kevin Lyden (*7:15 p.m. via speakerphone*)
Pam Munro

ABSENT

none

ALSO PRESENT

Town Attorney Brian Estep

CALL TO ORDER

First Selectman Chmielewski called the meeting to order at 7:02 p.m.

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

- a. **Wednesday, January 17, 2024, Board of Selectmen Special Meeting**
**M/S/C: Butcher/LaBonte, to approve the Board of Selectmen January 17, 2024
Special Meeting Minutes. Discussion: None. Voice vote, 4-0, all in favor.**

3. CORRESPONDENCE/PUBLIC COMMENTS

Horace Lindo, 542 Flanders Road, Oakdale, owner of 348 New London Road, Salem, representing the Gardner Lake Volunteer Fire Company (GLVFCO), spoke concerning the GLVFCO Ambulance Service, which has served the town for over 50 years. He informed the Board that the GLVFCO is fulfilling the State's mandate that all towns provide ambulance service for their townspeople. He believed that the town's decision to cancel, rather than extend, the On-Call Agreement and halt its funding for the On-Call System violated the State Statutes. His ultimate goal is to join the town and the Fire Company and resolve their issues. He felt that the lawsuit, which deals with the FLSA (Federal Labor Standards Act) issue, was easily solvable and that the town has not been negotiating in good faith.

First Selectman Chmielewski felt that the Federal Labor Board, rather than the Superior Court, would have been a more appropriate venue to resolve their FLSA issues and added

that the Agreement was canceled 90 (ninety) days before its expiration date, per the Agreement, to negotiate their issues.

Selectmen Butcher and LaBonte disagreed with Mr. Lindo's statement that the town has not been negotiating in good faith, citing their countless efforts, without response or presence by the necessary representatives, to meet with the relevant members of the Fire Company.

Selectman Lyden joined the meeting via speakerphone at 7:15 p.m.

Mr. Lindo stated, that while the GLVFCO is willing to settle the lawsuit, they are not willing to drop the lawsuit out of respect and responsibility for its volunteers. First Selectman Chmielewski stated the town's willingness to meet with the Federal Labor Board, rather than the Superior Court, to discuss and resolve the issues.

Selectman Lyden called a Point of Order, reminding them that the Public Comment portion of the meeting is not a time to engage in a debate; the item may be added to the Agenda for discussion and, possibly, action, should the Board agree to do so.

Mr. Lindo concluded his Public Comment, by stating the need for the town to fund the stipend system, adding that the GLVFCO is only able to fund the system for a limited time.

It was confirmed that the Board Members have not received any correspondence related to the Fire Company's letter in November of 2023 aside from their dismay with the receipt of the mailing.

CORRESPONDENCE

- a. A copy of an e-mail from Board of Education Chairman Sean Reith to Board of Finance Chairman Skip Dickson regarding their request to expedite the boiler and fire alarm panel replacement.

4. AGENDA

a. Resolution of the Salem Board of Selectmen

Attorney Steven Mednick thanked the Board for the opportunity to speak with and guide them through the Charter Revision process. He explained the process, stating that the initiating resolution requires a vote by two-thirds of the Board. Once established, the Board must appoint five (5) to fifteen (15) members to the Commission within 30 (thirty) days and establish the timetable. The process should be collaborative and mediative. The process requires three (3) mandated Public Hearings:

- 1) The initial Public Hearing would be held by the Charter Revision Commission after their initial meeting during which the Town Attorney and himself would be present to help identify any problematic areas, if any. The Commission's work plan would also be discussed and a red-line meeting would be held.

- 2) During the second Public Hearing, also hosted by the Charter Revision Commission, a draft report would be presented to the public for comment. The public's comments would be considered and discussed and a (revised) draft report would be presented to the Board of Selectmen.
- 3) The third Public Hearing would be held by the Board of Selectman within 45 (forty-five) days of receiving the document. The proposed Charter must be approved, as presented, or returned to the Commission for further revisions within 15 (fifteen) days of the Public Hearing. The Commission, then, has thirty (30) days to amend the document and send it back to the Board for approval.

He recommended the Board opt to include the referendum on a general election ballot, which would avoid the requirement for 15% of the voting population to participate in the referendum. Should the referendum fail, the existing Charter would remain valid and a new Charter Commission may be established.

M/S/C: Butcher/Lyden, to initiate an action to amend the current charter by authorizing the creation of a Charter Revision Commission. Discussion: The First Selectman recited the full resolution to initiate the Charter Revision, for the record. Selectwoman Munro stated the importance of the endeavor and that the necessary time should be taken to ensure that a full and complete document is generated. Selectman Lyden concurred, adding that the task is to revise a 20-year-old document and thanked the First Selectman and Attorneys for facilitating the Charter Revision process. First Selectman Chmielewski also thanked the Board for their input. Voice vote, 5-0, all in favor.

- b. **Schedule Board of Selection Special Meeting to discuss Charter Commission Members.**

The Board Members agreed to not act on the item this evening.

- c. **EXECUTIVE SESSION: To provide an update and to discuss legal strategies regarding the current lawsuit brought against the Town of Salem by the Gardner Lake Volunteer Fire Company, Inc., “The Gardner Lake Volunteer Fire Company, Inc. vs. Town of Salem” pursuant to C.G.S. Section 1-200 (6)(B) New London Judicial District Docket number KNL-CV-20-6046141-S**

M/S/C: LaBonte/Munro, to enter into Executive Session, pursuant to C.G.S. §1-200(6)(E), for the purpose of discussing the strategy with respect to the Collective Bargaining Agreement with the Public Works Union, as such discussions are exempt, pursuant to C.G.S. §1-210(b)(9). Discussions to include the Board of Selectmen and Town Attorney Brian Estep. Discussion: None. Voice vote, 5-0, all in favor.

Invited parties exited Conference Room One for Executive Session at 7:42 p.m. First Selectman Chmielewski resumed the meeting at 8:29 p.m. No motions were made and no votes were taken during Executive Session.

d. **Approval of Agreement between the Town of Salem and Salem Department of Public Works Union, AFSCME Local 1303-312**

M/S/C: Lyden/Butcher, to approve the tentative agreement between the Town of Salem and Local 1303-312 of Council #4 AFSCME for the Salem Public Works Department and further authorizes the First Selectman to sign any documents necessary and incidental to effectuating said tentative agreement and final contract language. Discussion: The First Selectman recognized and expressed his appreciation to Selectpersons LaBonte and Munro for working on the negotiation team, the Town Attorney for his guidance, and the Finance Department. He felt that the tentative agreement is a good foundation and reflects the value of its Public Works employees held by the Board. The Selectmen commended the Public Works employees, a small group of dependable individuals who do a good job for the town. Selectman Butcher felt that the contract was fair, competitive, and well-thought-out. Voice vote, 5-0, all in favor.

e. **Update on School Boiler and Alarm**

First Selectman Chmielewski introduced Finance Specialist Lisa Jablonski who provided a report on the School Boiler and Alarm.

Finance Specialist Jablonski stated that she worked with CIRMA (Connecticut Interlocal Risk Management Agency) to ensure that the town was protected against any liabilities related to the School boiler and alarm system. She explained that one of the neighboring properties reported that black smoke was emitting from the School's chimney on the afternoon of January 21, 2024. Four (4) fire companies responded to the call and discovered that the smoke was originating from the boiler, which had backfired. Because the School was unable to provide the necessary documents confirming that an inspection was recently conducted, the town and the School were required to conduct a 24-hour fire watch. To the best of her knowledge, the major issues were repaired by the alarm company and the Fire Marshal conducted a full inspection and approved the removal of the fire watch. The company is continuing to resolve the outstanding (minor) issues. She also noted that deficiencies were conveyed by both Hartford Steam Boiler and the Fire Marshal in August and October of 2023, which were also being resolved at the time of the incident.

The First Selectman stated the town's collaborative efforts with the School and expressed his appreciation to the Finance and Public Works Departments, Town

Counsel, Emergency Services, and Resident State Troopers for their efforts and support. Selectwoman Munro also thanked the resident who initially reported the issue and stated that the boiler is included in the town's Capital Plan and the School will be requesting that the Board of Finance take immediate action.

f. **Tax Collector Refunds** – *none*

5. REPORTS:

a. FIRST SELECTMAN

First Selectman Chmielewski reported that an update regarding all of the town departments will be provided to the Board and commended the staff. He specifically highlighted the return of former Zoning/Wetlands Officer Liz Burdick as the Town Planner via the Southeastern Connecticut Council of Governments; the success of the new Town Planner Julie Stoken, and; the collection rate of 95.12%, as reported by the Tax Collector.

Selectman Lyden was disconnected from the meeting at 8:51 p.m.

Selectwoman Munro added that two (2) FOIA (Freedom of Information Act) presentations will also be presented to all board and commission members.

b. EMERGENCY SERVICES - POLICE / FIRE

Selectman Liaison LaBonte reported that the Roundtable Meeting is scheduled to meet this month. Selectman Butcher added that a tentative meeting has been scheduled to meet with the GLVFCO Negotiation Team on March 13. While crediting Mr. Lindo for his attendance at all of the scheduled meetings, he stated that they have been waiting for him to provide promised documents since last summer to proceed with the process. Selectman LaBonte added that, while they have made constant and consistent efforts to meet, the Fire Company appears to have lacked the same efforts. The First Selectman reiterated that the conflict is between the town and the GLVFCO Board of Directors and invited the public to view the court documents online at the Superior Court website.

Finance Specialist Jablonski provided a brief report on the status of the GLVFCO Ambulance Budget Audit. She stated that the GLVFCO has been utilizing an older version of QuickBooks that is no longer supported to balance their books. As a result, the Auditors are working with the Fire Company's CPA (Certified Public Accountant) to retrieve the information. In addition, the Ambulance and Fire Company's financial records are combined, and sensitive information would need to be excluded or redacted. The Fire Company has also requested a copy of the town's contract with the Auditors.

Selectman LaBonte confirmed that the Audit request was made in early October 2023. Selectman Butcher clarified and reiterated their efforts to work together to move forward and resolve the issues that have been in process for nearly one year. He agreed

with Mr. Lindo's comments regarding the same and emphasized and reiterated the need to complete the Audit and submit the requested documents so that they can move forward.

The Board briefly discussed the possibility of submitting a petition to the U.S. Labor Department to resolve the FLSA issue. Atty. Estep stated that, unfortunately, the U.S. Labor Department will not issue a decision on outstanding litigation.

First Selectman Chmielewski reviewed the CT State Police Monthly Police Report, which states that 115 total Calls for Service were received for the Town of Salem, including 90 Non-Reportable Matters, for January 2024.

c. EMERGENCY MANAGEMENT

Emergency Management Director Bednarz provided and reviewed an informational packet to the Board and reported on the January 9 to 10 storm event, which caused major flooding, major and minor road closures, road damage, downed power lines, road debris, power loss, manpower issues, and a damaged generator at GLVFCO. While a State of Emergency was declared, the State and, hence the town(s), did not qualify for FEMA (Federal Emergency Management Agency) Funding, but, as a result of the damage caused by the Bozrah/Fitchville Dam failure, FEMA has tasked the Small Business Administration with investigating whether the County would meet the disaster-related threshold for funding.

The First Selectman stated the lack of state presence to manage the traffic, flooding, and road closures on the state roads and commended the departments who worked together before, during, and after the storm to fill the gap.

Emergency Management Director Bednarz continued to state that he recently met with Eversource, who reviewed the role of the town's liaison, the emergency procedures, and levels of urgency. Paperwork for the town's critical care residents who require power for medical equipment or life assistance will be made available at Town Hall; the critical care residents will be addressed first. First Selectman Chmielewski added the need for residents to prepare for future brownouts and other issues related to the increase in electrical vehicles.

d. RECREATION COMMISSION

The Recreation Commission will be supporting the Lions Club's Annual Easter Egg Hunt at the end of March and Salem Little League's Opening Day will be held on April 20. Other events and activities may be viewed on the website.

e. BOARD OF FINANCE

The town's boards, commissions, and departments will begin presenting their FY2024/25 Budget requests to the Board of Finance this Thursday.

f. BOARD OF EDUCATION (BOE)

Selectwoman Munro reported that the BOE has held several meetings to discuss their FY2024/25 Proposed Budget request. Last evening, the BOE approved a five-year bus contract as well as their FY2024/25 Proposed Budget request, which includes a 6.31% increase. The student population, many of whom are attending magnet and Vo-Ag schools, is expected to increase.

g. PLANNING AND ZONING COMMISSION

The First Selectman reported that former Zoning/Wetlands Officer Liz Burdick has joined the town as their new Town Planner, through the Southeastern Connecticut Council of Governments (SCCOG).

h. ECONOMIC DEVELOPMENT COMMISSION

The Economic Development Commission will be attending a Bozrah Area Business Breakfast event at the *2 Sisters Trading Post* on February 9. The Commission has been busy coordinating with the town's businesses, including through the Salem Business Roundtable discussions with the First Selectman.

i. LIBRARY

The Library continues to host robust programs. The residents were encouraged to visit their Facebook and website pages. The First Selectman noted that the town is in contact with the Town of Bozrah regarding the possibility of increasing their funding to help offset their growing costs.

j. TVCCA (Thames Valley Council for Community Action)

Selectwoman Munro reported that she was welcomed back to the Board during TVCCA's January meeting and will be meeting with the new CEO later in the month. She encouraged everyone to visit their website for information regarding the many programs they offer.

6. ADJOURNMENT

**M/S/C: LaBonte/Butcher, to adjourn the meeting at 9:45 p.m. Discussion: None.
Voice vote, 4-0, all in favor. Meeting adjourned.**

Respectfully Submitted by: Agnes T. Miyuki, Recording Secretary for the Town of Salem

A VIDEO RECORD OF THE MEETING CAN BE FOUND ON THE TOWN'S WEBSITE UNDER BOARDS & COMMISSIONS – BOARD OF SELECTMEN – MEETING VIDEOS.