

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY, MARCH 7, 2023, 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
Pam Munro

ABSENT

Kevin Lyden

CALL TO ORDER

First Selectman Chmielewski called the meeting to order at 7:00 p.m.

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES:

a. Tuesday, February 7, 2023 Board of Selectmen Regular Meeting

**M/S/C: LaBonte/Butcher, to approve the February 7, 2023 Board of Selectmen
Regular Meeting Minutes. Discussion: None. Voice vote, 4-0, all in favor.**

3. CORRESPONDENCE / PUBLIC COMMENTS

Salem Property Owner Horace Lindo, 542 Flanders Road, Oakdale, stated that the service the Gardner Lake Volunteer Fire Company (GLVFCO) and Salem Volunteer Fire Company (SVFCO) provide to the town are incomparable. The GLVFCO provides both fire and ambulance service and responds to an average of 600 Calls for Service per year while the SVFCO is strictly a fire department. The Ambulance Service is a cooperative effort between the volunteers, those who provide the service, the Boards of Selectmen and Finance, and the Town's Finance Department – all of whom must find a way to work together. The residents deserve a good ambulance service, which cannot be offered without everyone working together. He also addressed the countersuit by the Town against the Fire Company which involves three claims: (1) the March 3, 2003 Board of Selectmen Meeting Minutes regarding a Memorandum of Understanding (MOU) which states that the remaining funds of "the net funds from the provision of ambulance services" would be used for supplies and equipment for medical, emergency and related services in the Town of Salem." The Fire Company, he stated, provides only medical emergency services for the Town of Salem and,

as such, those who accuse the Fire Company of misspending their funds do not understand the rules. (2) a 2003 draft Agreement, which was neither executed nor officially filed with the Town Clerk, between the GLVFCO and the Town specifically states that the funds raised by the ambulance service belong to the GLVFCO and the Town has no legal right to those funds. (3) the 2006 Service Agreement, which was canceled by the Board of Selectmen for reasons unknown. He suggested that the Town withdraw its countersuit, which is an insult to the Fire Department, has no merit, is foolish to pursue, and generates legal fees for the town and Fire Company. Lastly, their Accountant, who began honoring the Town Attorney's subpoena for information, was immediately ordered to stop, per the GLVFCO's Attorney who questioned the legality of the request. He expects the Town to promptly pay the bill for the Accountant's time as a result of the Town Attorney's missteps.

GLVFCO Affiliation (First Selectman Chmielewski) – Mr. Lindo stated that he was a member of the GLVFCO for 40 years, is currently a life member, and has helped construct and renovate the building. Though he has been inactive, he decided to step forward to help the Fire Department resolve some of their issues with the Town. First Selectman Chmielewski thanked him for his service in the Fire Department and the military.

Cheryl Philopena, Rattlesnake Ledge Road, expressed her disbelief with Item 5(b) on the Agenda to renegotiate the On-Call System (OCS) Nominal Fee Stipend Structure for the Volunteers Agreement, which has been in effect for just over one year. She stated that the possibility of renegotiating the Agreement was never raised with the Fire Company and felt that being informed of the cancellation of their current Agreement through the Agenda did not reflect an act of good faith. Based on the information received from the Dispatch Center, she reported the following data, which shows that there has been a significant increase in the total number of Calls for Service over the last two (2) years:

Time Period	Total Calls for Service	Total Calls Responded to by Career Staff	Total Calls Responded to by Volunteers
FY2017/18	638	267	371
FY2021/22	735	285	451
FY2022 – Present	480	170	310

She requested the Board consider the service the volunteers provide to the town. Comments that have been made stating that the volunteers are paid are erroneous. According to the Federal Labor Law, providing a volunteer with a nominal fee of \$6.66 does not *eviscerate* their volunteer status. Rather, the nominal fee is a small token of the town's gratitude for providing a valuable service to the town and its residents. She is disheartened by their proposal to cancel an agreement that is properly functioning and requested they seriously consider their motives. As stated by Mr. Lindo, the town needs them to run the ambulance service, and they need the town's support to provide the service. She also commented on the town's recent decision to decrease their daytime service to 8:00 a.m. to

4:00 p.m. from 7:00 a.m. to 5:00 p.m., placing the residents at risk as most of the volunteers are not available during these hours. She requested that the town stop playing games and seriously consider the public's safety. She felt that they were being unfair to the people, inconsiderate, and insulting. She also strongly objected to the numerous untruths being told to the public regarding the progress of the lawsuit and the settlement of the FLSA (Federal Labor Standards Act) lawsuit. She, furthermore, claimed to have been subjected to strong coercion by the former First Selectman. She expressed her ongoing willingness to resolve, at least, some of the issues, through simple dialogue.

PSA (Primary Service Area) (Selectman LaBonte) – Ms. Philopena stated that the GLVFCO is responsible for the PSA. She clarified that, while it is difficult to meet the PSA during the hours of 7:00 a.m. and 5:00 p.m., the Fire Company far exceeds the percentage of calls required by the State of Connecticut to maintain its PSA status. Since the inception of the full-time Firefighters/EMTs, the town has maintained ambulance coverage during those hours when most individuals are working. The Statute states that the town would need to provide evidence of negligence, failure to respond to calls, and the like, to revoke its PSA status. She felt that the town should begin cooperating with them as they continue to serve the town while being treated unfairly and unjustly. She cited and requested they follow the tenet, “innocent until proven guilty”. The facts, she stated, will soon be revealed.

First Selectman Chmielewski thanked her for her service.

Gaylene Smith, Salem Ridge Drive, one of the first paid personnel from the 1980s and a cornerstone of the town, recalled that the then-First Selectman Hugh Teel organized a stipend system to encourage volunteers to come to Salem and provide this valuable service to the town. She expressed her support for the stipend system, citing the numerous birthday parties, special engagements, and baseball games she has missed due to being on-call. She encouraged the volunteers to continue serving the town and requested they maintain the current system.

First Selectman Chmielewski thanked her for her service and comments.

Salem Property Owner Horace Lindo, 542 Flanders Road, Oakdale, informed the Board that the surplus funds from the Fire Company's Ambulance Fund were used to purchase a new stretcher and stair chair, totaling \$50,000.00, last year. The annual surplus funds of approximately \$20,000.00 is not a significant amount of money to fulfill their needs. The funds that are being utilized to fund the lawsuit are a loss for both the Fire Company and the town and benefit no one. While the funds are sometimes used to treat the members to a modest lunch during a training session or new pants or a jacket, they are not used to host large social gatherings or parties.

Private Investigator (First Selectman Chmielewski) – Mr. Lindo confirmed that the Fire Company has retained the services of a Private Investigator who is being paid by the Fire

Company. He stated that the GLVFCO is a 501(c)(3) organization; there is no separate Ambulance corporation.

Cheryl Philopena, Rattlesnake Ledge Road, stated that the issues began when the town refused to address an issue that was brought to their attention by the Fire Company. As a result, they were forced to correct the issue themselves, in accordance with the law, and initiate a lawsuit to recoup the funds. She found it strange that the town has not been willing to sit down and discuss and resolve their issues and the lawsuit.

Christine Lindo, 542 Flanders Road, Oakdale, a member of the GLVFCO since 1988, questioned why the town felt the need to cancel the Agreement at this time.

Jennifer Messervy, Forsyth Road, stated that she has had to call 9-1-1 three (3) times over the last ten (10) years, and, each time, the Fire Company has responded and saved them. Two of those occasions occurred between the hours of 7:00 a.m. and 4:00 p.m. and while they might have struggled to respond to the call, they did. The Ambulance service is here for everyone in the town, including the members of the Board.

First Selectman Chmielewski asked if there were any additional comments from the public.

Joseph Ploszaj, Rattlesnake Ledge Road, stated that, while he understands the need to cut costs, the town is currently \$6 million in the black. He felt that they should lower the mil rate rather than continue spending the town's funds on "this frivolous lawsuit", adding that the "day of reckoning" will come to the Board during election season.

First Selectman Chmielewski asked if there were any additional comments from the public. There being none, as a 35-year retiree of law enforcement and the military and a former First Responder, he reiterated his appreciation to the volunteers who serve the town and thanked them for their comments. He concurred that the truth will soon be revealed and encouraged everyone to visit the Connecticut Judicial (<https://www.jud.ct.gov/>) to review the lawsuits and visit the Town Hall and submit a FOIA request to review the findings of the investigations that were conducted by the town. The Board is limited as to their comments due to the pending lawsuits. He clarified that there is neither disrespect nor animosity toward the town's Volunteer Firefighters/EMTs/Fire Police. The lawsuit involves fiscal issues and accountability. The former and current Board of Selectmen have consistently made efforts to work with all of the volunteers and have strived to improve their relationship and communication, as evidenced by the establishment of the Chiefs' Roundtable Meeting and the appointment of an Emergency Services/Emergency Management Selectman liaison. Unfortunately, several meetings took place without any representation from the GLVFCO. In addition, it came to their attention that letters that were sent to the Fire Company and addressed to all of its members were never shared with them. He stated that the town has made attempts to mitigate the issues.

Selectman LaBonte, a former Volunteer Firefighter, EMT, and First Responder, stated his first-hand knowledge of their courageous actions and expressed his gratitude to the volunteers for taking care of the town and its residents. He has also served as a volunteer in other capacities, including several boards, commissions, civil, sports, or service organizations, and expressed his appreciation to those volunteers, as well. He cited that, of those numerous organizations that utilize the town's resources to serve the public in a positive manner, only one has proceeded to present litigation to the town. He thanked all of the volunteers who serve the town, upon which the foundation of the town is built.

Selectman Butcher thanked the public for taking the time to attend this evening's meeting. The purpose of the Public Comment portion of the meeting is not to engage in a conversation, but to listen to the public's comments. The fact that they are responding to their comments reflects the importance of the subject matter. He concurred that the truth will be revealed. Due to the lack of adequate communication, the lawsuit was filed and the door became open to public comment, including the town's countersuit – both of which will eventually be resolved by a Judge. From his experience with lawsuits, there are no winners and all of the parties become victims. While some have claimed that the Agreement is working, he was unsure that it is working or that all of the parties were in agreement. He expressed the need for and satisfaction with the Fire Company and their continuing relationship. He did not feel the lawsuit would resolve all of their issues and that both parties would still need to sit down and discuss the issues and agree upon a resolution that is satisfactory for everyone. He was hopeful that a positive outcome would be had.

Correspondence:

- a. A copy of a letter, dated March 7, 2023, from First Selectman Chmielewski on behalf of the Board of Selectmen addressed to GLVFCO Chief Pete Silva and Board of Directors President Philopena, Board of Directors, Chief Officers, Officers, Members, Associated Members, and Social Members

First Selectman Chmielewski recited the letter requesting the GLVFCO's cooperation and participation in the Audit by King, King, and Associates, P.C., which the Fire Company has refused.

First Selectman Chmielewski stated that, per the On-Call System (OCS) Nominal Fee Stipend Structure for the Volunteers Agreement, the "agreement is effective commencing July 1, 2021, and will continue thereafter on the same terms from year to year unless either party provides at least (90) days' notice prior to the succeeding July 1st, of its intention to terminate this agreement." The Board intends to renegotiate the Agreement and is eager and willing to work together to resolve their differences. He commended the town's Finance Department and is offended when its staff is attacked or accused of incorrect actions. He added that the town is regularly audited and its books are reviewed to ensure their compliance.

Mr. Lindo, who approached the podium to address the Board stating that the Auditor informed them that the matter was taken care of, was informed that the Public Comment portion of the meeting has ended, inciting an outburst by Mr. Ploszaj. Ms. Philopena stated that there is no 2003 Agreement. Rather, they are Board of Selectmen Meeting Minutes.

4. EXECUTIVE SESSION

- a. The Board of Selectmen will meet in Executive Session, pursuant to C.G.S. Section 1-200(6)(E) with legal counsel to discuss strategy with respect to collective bargaining with the fire union, as such discussions are exempt pursuant to General Statute §1-210(b)(9)**

M/S/C: LaBonte/Munro, to enter into Executive Session, pursuant to C.G.S. Section 1-200(6)(E) with legal counsel to discuss strategy with respect to collective bargaining with the fire union, as such discussions are exempt pursuant to General Statute §1-210(b)(9) at 7:54 p.m. Discussion to include the Board of Selectmen, Town Attorney Brian Estep, and Finance Director Lisa Jablonski. Discussion: None. Voice vote, 4-0, all in favor.

First Selectman Chmielewski resumed the meeting at 8:24 p.m. No motions were made and no votes were taken during the Executive Session.

- b. To provide an update and to discuss legal strategies for the current lawsuit “The Gardner Lake Volunteer Fire Company, Inc. vs. Town of Salem” Pursuant to C.G.S. Section 1-200(6)(B)**

M/S/C: Butcher/LaBonte, to enter into Executive Session to provide an update and to discuss legal strategies for the current lawsuit “The Gardner Lake Volunteer Fire Company, Inc. vs. Town of Salem” Pursuant to C.G.S. Section 1-200(6)(B) at 8:25 p.m. Discussion to include the Board of Selectmen and Town Attorney Brian Estep. Discussion: None. Voice vote, 4-0, all in favor.

First Selectman Chmielewski resumed the meeting at 9:00 p.m. No motions were made and no votes were taken during the Executive Session.

5. AGENDA

- a. The Board of Selectmen hereby approves the tentative agreement between the Town of Salem and the Salem Professional Fire Fighters and further authorizes the First Selectman to sign any documents necessary and incidental to effectuating said tentative agreement and final contract language.**

M/S/C: Munro/LaBonte, to approve the tentative agreement between the Town of Salem and the Salem Professional Fire Fighters and further authorizes the First Selectman to sign any documents necessary and incidental to effectuating said tentative agreement and final contract language.

Discussion: Selectman LaBonte, who worked with Selectwoman Munro and the town's full-time Firefighters/EMTs to negotiate the contract, commented on one of the most positive experiences he has had negotiating a Union contract. The resulting contract, he felt, is beneficial for both the town and its employees. Selectman Butcher was pleased with the contract and found the changes to be fair and appropriate. First Selectman Chmielewski expressed his appreciation to Selectmen LaBonte and Munro, the Town Attorney, the Union, and Firefighters/EMTs for their hard work. He concurred with Selectman Butcher, adding that the contract reflects the town's value and appreciation of its Firefighters/EMTs and would also incentivize potential new hires. Selectman Butcher concurred, adding that the town offers many interesting and attractive features, and adding a competitive contract would help the town compete with other like entities. Voice vote, 4-0, all in favor.

- b. The Board of Selectman hereby authorize the First Selectman to renegotiate the On-Call System (OCS) Nominal Fee Stipend Structure for Volunteers Agreement dated September 14, 2021 and to provide notice of termination to The Gardner Lake Volunteer Fire Company, LLC to effectuate said negotiation.**

M/S/C: LaBonte/Butcher, to authorize the First Selectman to renegotiate the On-Call System (OCS) Nominal Fee Stipend Structure for Volunteers Agreement dated September 14, 2021 and to provide notice of termination to The Gardner Lake Volunteer Fire Company, LLC to effectuate said negotiation. **Discussion:** First Selectman Chmielewski clarified the Board's intent to renegotiate the Agreement that would bring the two parties together. Due to the 90-day time frame, as stated in the Agreement, it was necessary to bring the item to the table at this time. Town Attorney Estep clarified that the Agreement would be terminated on June 30, 2023, whether it is renegotiated or not. Selectman LaBonte expressed his willingness to serve on the Committee. Voice vote, 4-0, all in favor.

- c. Set the Transfer Station Spring Amnesty Dates for Saturday, May 13; Sunday, May 14, and; Wednesday, May 17.**

M/S/C: Butcher/LaBonte, to set the Transfer Station Spring Amnesty Dates for Saturday, May 13, 2023; Sunday, May 14, , 2023, and; Wednesday, May 17, 2023. **Discussion:** Transfer Station stickers are available at the Transfer Station. Voice vote, 4-0, all in favor.

- d. Extend the Contract for Municipal Services for Transfer Station Operations and Support Services with Contractor/Operator Gary Alligood for a period of one-year, effective July 1, 2023.**

M/S/W: Butcher/LaBonte, to extend the Contract for Municipal Services for Transfer Station Operations and Support Services with Contractor/Operator Gary Alligood for a period of one-year, effective July 1, 2023. Discussion: Selectman Butcher questioned and felt that the rate increase should align with that of the Town Hall employees. The Selectmen agreed and the motion was withdrawn.

e. Eversource Tree Mitigation

First Selectman Chmielewski reported that, while Eversource and the Public Works Department have made great strides in pruning/removing those trees near power lines, there continue to be trees in need of mitigation. As such the Public Works Department is in the process of tagging additional trees in need of attention. He encouraged the public to inform the town of any trees in need of mitigation or other road issues that should be addressed.

f. Tax Collector's Refunds

M/S/C: LaBonte/Butcher, to direct the Town Treasurer to issue refunds, recommended and certified by the Tax Collector, as presented, to the Board of Selectmen in the amount of \$18.00 (eighteen dollars) on the 7th day of March 2023. Discussion: None. Voice vote, 4-0, all in favor.

6. REPORTS:

a. FIRST SELECTMAN

First Selectman Chmielewski provided the highlights as reported by the town's various departments in their monthly reports and commended the Town Hall staff for all of their hard work. The Finance Department continues to be busy as they work with the Board of Finance and the FY2022/23 Budget. Human Resources is working on the cybersecurity updates. The Public Works Department continues to work on the renovations to the old Library and part of the new Library. He encouraged everyone to visit the website to view the many programs the Library is offering. The Tax Collector has mailed out 500 late notices and reported a collection rate of 96.89%. Selectman Butcher added that the Disc Golf Committee received approval from the Inland Wetlands & Conservation Commission for the approved bridges.

b. EMERGENCY SERVICES – POLICE / FIRE

The Fire Marshal's office is in the process of being reorganized and is coordinating with CTDEEP (Connecticut Department of Energy and Environmental Protection) for a burn at the Transfer Station. The Fire Marshal Mutual Aid Services Agreement, which will enhance its services, was signed. Full-time Firefighter/EMT Travis Roberts is working on his Fire Marshal certification. The Emergency Services/EMT Supervisor and Assistant Supervisor are working on updating policies and procedures and continue to hold the Chiefs' Roundtable Meetings. He was pleased to report that the GLVFCO

Chief and Assistant Chief, Salem Volunteer Fire Company Chief, and Deputy Chief were present at their last meeting.

c. EMERGENCY MANAGEMENT

The Emergency Management Department continues to maintain its communication with Federal and State stakeholders. Selectman LaBonte reported that the Fire Training Building was inspected and approved by the state. The Department is planning to capitalize on the centrality of Salem, which was noted as an ideal location for training.

d. BOARD OF FINANCE

The Board of Finance continues to listen to presentations by the various departments for their FY2022/23 budget requests.

e. BOARD OF EDUCATION (BOE)

Selectwoman Munro reported that the Joint School Security letter was sent by the First Selectman and BOE Chairman Sean Reith. At the BOE's March Regular Meeting, the Girls' Basketball Team was honored for their back-to-back SEMSAC Championships wins. The School received its first payment of the Special Education Excess Cost Grant. The Building Committee will be meeting with the architect to review the plans and paperwork for the 1994 Roof Replacement Project. The logistics regarding the receipt and installation of the air handler units are being discussed. An estimate for the well and pump control panel replacement is being sought; ARPA funds might be requested to fund the project. The East Lyme High School Math League is currently undefeated. The High School will be hosting its Spring Musical, *The Little Mermaid*, this weekend and the Viking Band will be holding its Annual Tag Sale on Saturday, March 18.

f. PLANNING AND ZONING COMMISSION

First Selectman Chmielewski reported that the Commission recently re-elected their officers and appointed two new members to fill the vacancies left by the two resigning members. Selectman LaBonte added that the Commission will be holding Public Hearings regarding two (2) significant projects involving a proposed multi-family development on New London Road and a sawmill on West Road next Tuesday, March 14.

g. ECONOMIC DEVELOPMENT COMMISSION

The Economic Development Commission continues to work with the town's businesses.

h. LIBRARY – see *First Selectman's Report*

First Selectman Chmielewski encouraged everyone to visit their website, Facebook page, and newsletter for their activities. He commended the Library, its staff, and the Friends of the Library for all of their hard work.

i. TVCCA (Thames Valley Council for Community Action)

Selectwoman Munro reported that their recent meeting revolved around the numerous

residents in need of energy assistance. The organization will aid people in completing the application and those who might not qualify are also able to apply for the Connecticut Fuel Bank, among others. The Strategic Planning Committee Retreat was postponed due to inclement weather.

ADJOURNMENT

M/S/C: LaBonte/Butcher, to adjourn the meeting at 9:33 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.