

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY, OCTOBER 3, 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 (*via speakerphone, 7:04 p.m.*)
Ron LaBonte
Kevin Lyden
Pam Munro

ABSENT

none

ALSO PRESENT

Town Attorney Brian Estep

CALL TO ORDER

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

1. PLEDGE OF ALLEGIANCE

ALTERATIONS TO THE AGENDA

Alteration:

Item 5, Agenda:

- (b) Gardner Lake Volunteer Fire Company, ~~LLC~~ Inc. vs. Town of Salem Litigation Update**
- (e) Gardner Lake Volunteer Fire Company, ~~LLC~~ Inc., Audit Update**
- (g) Salem Volunteer Fire Company, ~~LLC~~ Inc., and Gardner Lake Volunteer Fire Company, ~~LLC~~ Inc.**

Addition:

M/S/C: LaBonte/Lyden, to add the following item to the Agenda:

**Item 2(b) Wednesday, September 20, 2023 Board of Selectmen Special Meeting
Discussion: None. Voice vote, 4-0, all in favor.**

2. APPROVAL OF MINUTES

- a. Tuesday, September 5, 2023, Board of Selectmen Regular Meeting**

**M/S/C: LaBonte/Lyden, to approve the Board of Selectmen September 5, 2023
Regular Meeting Minutes. Discussion: None. Voice vote, 4-0, all in favor.**

Selectman Butcher joined the meeting via speakerphone at 7:04 p.m.

b. Tuesday, September 20, 2023, Board of Selectmen Special Meeting

M/S/C: Lyden/LaBonte, to approve the Board of Selectmen September 20, 2023 Special Meeting Minutes. Discussion: None. Voice vote, 4-0, all in favor.

3. CORRESPONDENCE

a. Salem Board of Finance Questions: Board of Education Non-Lapsing Account for Submission to CCM (Connecticut Council of Municipalities)

A copy of five (5) questions, along with supporting documents, sent by Board of Finance Chairman Skip Dickson, on behalf of the Board of Finance, was received. The Members' responses and comments may be forwarded to the First Selectman.

b. DEEP Complaint: Gardner Lake Volunteer Fire Company member actions at Gardner Lake Boat Launch

First Selectman Chmielewski stated that the Town was notified about a recent incident at the Gardner Lake Boat Launch area. Gardner Lake Volunteer Fire Company (GLVFCO) Chief Pete Silva is in the process of contacting CT DEEP (Connecticut Department of Energy and Environmental Protection) to discuss and resolve the matter.

4. PUBLIC COMMENTS

Horace Lindo, 542 Flanders Road, Oakdale, spoke with respect to the recently released Public Safety Services Analysis. He believed that the MRI (Municipals Resources, Inc.) Study Team failed to grasp the size of the Town of Salem, stating that most of the recommendations are related to larger communities. He felt that hiring a Fire Chief that would cost the Town approximately \$150,000.00/year would be ridiculous and added that a Fire Chief selected by the Board of Selectmen, rather than appointed by the members of the Fire Departments is not usual practice. Furthermore, the recommendation to purchase an ambulance every four to five years is unrealistic and beyond their financial capabilities. He felt that it was insulting to the members of the Fire Company, who strive to take good care of and ensure the safety of the ambulance, to insinuate that there is "something wrong" with the ambulance. The Town has approximately one to two major fires a year and, between the two fire companies and mutual aid, there have been no issues providing fire service to the community. The "real" issue and challenge is how to provide ambulance service, which receives and responds to 400 to 500 calls for service a year. Neither the Gardner Lake Volunteer Fire Company nor the Town of Salem can solve the problem by themselves. The issues must be solved together.

In response to First Selectman Chmielewski who questioned whether Mr. Lindo is an Officer, Chief, or member of the Board of Directors of the GLVFCO, Mr. Lindo stated that he is neither an Officer nor a Chief. Rather, he is a Life Member and the longest-serving member of the Fire Company (40 years). He also served as the President of the Board of Directors

for numerous years. He is retired and, while he attends all of the Board meetings, he no longer serves as a member of the Board of Directors and continues to maintain a close relationship with the Fire Company, supporting them both administratively and with the maintenance of the building.

GLVFCO Captain Steve Philopena, Rattlesnake Ledge Road, reported that the ambulance underwent and passed its annual D.O.T. (Department of Transportation) physical this week.

5. AGENDA

a. Charter Revision for the Town of Salem, Connecticut – Town Attorney Legal Update

First Selectman Chmielewski introduced Town Attorney Brian Estep, who provided legal guidance and advice regarding the Charter Revision process.

Atty. Estep stated that the Charter Revision process must follow the guidelines, as outlined in the state statutes. The Board of Selectmen, by a two-thirds vote, may pass a resolution for a Charter Revision or Review.

Within thirty (30) days of its passing, the Board must appoint no more than five (5) and no less than 15 (fifteen) members to the Commission. No more than one-third of its members may be elected or appointed officials and the Commission must be comprised of a bare majority of one party. The Commission may be tasked with either reviewing certain areas of the document or the document in its entirety. It is important to note that once the Charter is opened, the Commission cannot be restricted and may review any portions of the document. All of the Commission's meetings must be publicly noticed and open to the public. There is no timeframe within which they must review and return to the Board of Selectmen with their draft report. Upon receiving and reviewing the draft, the Board may either accept or reject parts or all of the draft and/or return the document to the Commission with comments. Once approved, the proposed draft would be presented to the townspeople and a referendum would be held. If rejected, the townspeople may petition the Town for a referendum with at least 10% of the number of voters in the previous election. The process can take up to 18 months.

Selectman Lyden surmised that the process would take at least one year and noted that, based on his discussions with Atty. Estep, it would be best not to include a Selectman to serve on the Commission since the draft would return to the Board for a vote to send the item to a referendum.

First Selectman Chmielewski stated that he has spoken with East Lyme's First Selectman Kevin Seery, who expressed his willingness to offer assistance as the town is currently undergoing the Charter Revision process.

Possibility of voting on specific items (Selectwoman Munro) – It is possible for the Board of Selectmen to offer voters the opportunity to approve and/or oppose select portions of the proposed Charter Revisions.

Deadline/Timeline (First Selectman Chmielewski) – There is no deadline or timeline within which a draft report must be submitted. Selectman Lyden noted that while the Town Charter states that commissions may be created for “a period not to exceed twelve months, to advise and make recommendations to the Board”, the period may be extended. In such case, Atty. Estep stated that the members of the commission must remain intact.

Number of Required Electors Required to Approve the Revisions (Selectwoman Munro) – The Charter must be approved by a majority of the electors at a regular election or at least 15% of the electors.

Appointments (First Selectman Chmielewski) – The state statutes would supersede the Town Charter concerning the appointments.

Atty. Estep proposed the possibility of hiring an attorney to advise the commission, either throughout the entire process or in an advisory role. He also recommended that the Board consider the Commission’s charge.

The Board agreed with the pace of the process and looks forward to moving forward. Selectwoman Munro added that, while the Selectmen may not serve on the Commission, they may be apprised of the progress and contribute to their discussions by attending and/or speaking during the public comment portion of the meetings.

Selectman Lyden stepped out of the meeting at 7:32 p.m.

b. Gardner Lake Volunteer Fire Company, Inc. vs. Town of Salem Litigation Update – Town Attorney Legal Update

Atty. Estep stated that the lawsuit, which commenced in April 2020 by the GLVFCO and dealt primarily with the payment of stipends to the ambulance volunteers, is currently working its way through the court system. The Town’s countersuit against the Fire Company regarding its use of funds is also working its way through the system. An updated scheduling order has been issued. All of the discoveries must be completed by the end of November 2023. One of the depositions is in the process of being completed and dispositive motions are due in March or April 2024. The trial is currently scheduled to commence on October 14, 2024. All of the aforementioned details are available on the State of Connecticut Judicial website (<https://www.jud.ct.gov>).

Selectman Lyden returned to the meeting at 7:34 p.m.

c. Town of Salem MRI Public Safety Services Analysis and Presentation

Selectman LaBonte commented on the positive movement between the 2014 and 2023 MRI Public Safety Studies. Concerning Mr. Lindo's comment regarding the apparatus, he recognized that the Town currently owns 15 pieces of apparatus and is home to two (2) Fire Companies. He has been working alongside the volunteers as the liaison and agreed with the importance of purchasing a new ambulance and volunteered to keep the Selectmen informed regarding the status of its purchase.

Selectwoman Munro felt that all of the recommendations should be reviewed and prioritized and a decision should be made as to how the recommendations would be reviewed and accomplished, e.g., the possible formation of a subcommittee. Selectman Butcher concurred, adding that the appointment of a subcommittee to review the recommendations and act upon, at least, the immediate items would be prudent.

Selectman Lyden added that one of the points that was consistently made during the presentation was the importance of acting upon the recommendations, some of which are negotiable and others that are not. At the very least, he felt that the Board should continue discussing the recommendations every few months. Based on the public's comments, he felt that the Report was very well-received, especially in comparison with the previous Report.

First Selectman Chmielewski announced that all of the documentation related to the MRI Public Safety Study, including the 2014 Study and PowerPoint presentation, is available online at salemct.gov.

d. Salem Volunteer Firefighter, Fire Police, EMTs – Emergency Responders Incentives (increase)

First Selectman Chmielewski stated that the Town recently met with the Fire Chiefs and discussed some of the possible ways to enhance and improve the Town's volunteerism. One of the suggestions is the possibility of offering incentives to the volunteer firefighters, similar to that which is offered to the Town's volunteer ambulance crew. In addition, increasing the tax abatement, per state statutes, is being discussed. Based on the Study, it is clear that the Town needs and values both its volunteer and paid members, and these small gestures of appreciation are worthy.

Selectman Lyden stated that a point system is established to determine the receipt of the incentives. The Town currently has an Ordinance in place regarding the incentives, which will need to be amended and presented to and approved by the citizens at a Town Meeting. In addition, a Policy may be drafted further incentivizing its volunteers, especially its (younger) members who do not benefit from the \$2,000.00 property tax abatement. The Policy may include a quarterly, rather than annual, incentive. The process should neither be onerous to the Town nor the individuals.

Selectman Butcher recalled the comment made at the MRI Study Presentation regarding increasing the stipends for the active members and not that of the retired members and doing so quarterly, rather than annually.

First Selectman Chmielewski stated that discussions regarding the incentives will be continuing at the monthly Fire Chiefs Roundtable meetings, based on best practices.

e. Gardner Lake Volunteer Fire Company, Inc., Audit Update

First Selectman Chmielewski stated that the Town has requested but not yet received an Audit from the GLFVCO. Selectman LaBonte added that he, among others, has made numerous requests that an audit be conducted by a third-party credentialed auditor of the Fire Company's ambulance funds. He expressed his dismay and frustrations with the Fire Company's ongoing lack of transparency. Selectman Lyden noted that the requirement for an audit is included in the 2003 Agreement, which is still in effect. The Selectmen agreed that an audit of the GLVFCO's ambulance funds is required.

f. Negotiations Update – Agreement between the Town of Salem & the Gardner Lake Volunteer Fire Company, Inc., re: On-Call System (OCS); Nominal Fee Stipend (payment) Structure for Volunteer (Emergency Responder Ambulance Crew Members)

Selectman Butcher reported that, while some informal negotiations have occurred, their next meeting date is not yet scheduled. At the Fire Company's request, he proposed the possibility of the Board's agreeance to an audit after the agreement is signed. He stated that both Selectman LaBonte and himself have been very clear that no additional negotiations would take place without an audit. Selectwoman Munro concurred and expressed her opposition to the request.

Selectman LaBonte stated the importance of consistency and the presence of the same individuals at all of their negotiation meetings. As such, three of their scheduled meetings have been canceled. He expressed his disappointment with the lack of progress since their initial meeting in April 2023, and the subsequent loss of momentum. As a steward of the taxpayer's funds, he stated the importance of ensuring that the townspeople be aware of where their funds are going. Selectman Butcher agreed with the loss of momentum, stating that, the GLVFCO did agree, in principle, with their need to be part of the audit process, and to provide a budget. As a former Board of Finance Chairman, Selectman Butcher added that the Board of Finance requested an audit for several years and, while an audit was received one year, it was not a quality product and was unacceptable.

First Selectman Chmielewski informed the public that, while the GLVFCO owns the ambulance, the Town of Salem funds the gas, maintenance, tires, and insurance. In addition, on weekdays, from 7:00 a.m. to 5:00 p.m., the Town pays for the salaries and

benefits of two (2) full-time Firefighters/EMTs. He explained that the Town is seeking to partner with the Fire Company to provide its volunteer members with a stipend, but before doing so, is seeking information regarding its income and expenditures. He also described the model used by other towns for the division of funds received by the ambulance, which the Town of Salem does not employ.

Selectman LaBonte added that both he and Selectman Butcher have informed the Fire Company regarding the Town's willingness to provide funding for other items, including third-party billing, equipment, and supplies, and helping to resolve existing inequities.

First Selectman Chmielewski noted that the issues are with the GLVFCO Corporation and Board and the manner in which business is conducted. It, is in no way, related to its members or volunteers.

g. Salem Volunteer Fire Company, Inc., and Gardner Lake Volunteer Fire Company, Inc., Emergency Services Motor Vehicle Accident/Injury Incident Reporting Update

First Selectman Chmielewski reported that they are working with the Fire Chiefs to draft a Policy regarding the reporting of motor vehicle accidents and/or injury incidents due to several unreported accidents/incidents that have occurred. The Policy would aid the Town in gauging the expenses related to their insurance premiums and repairs.

Selectman Lyden added that most of the Town's emergency vehicles are owned by the Town and, as a courtesy, the First Selectman should be informed when accidents occur. All accidents are covered by the Town's auto insurance and injuries are covered by the Town's workmen's compensation insurance. While there is a liberal amount of time to report an injury, it is best to notify the Town of a possible claim as soon as possible.

Selectman LaBonte stated his embarrassment at the Town's lack of policies, procedures, standard operating guidelines (SOGs), or standard operating procedures (SOPs) for both of the Fire Departments, as stated in the Public Safety Study.

First Selectman Chmielewski stated the Town's willingness to move forward and take the leadership role in developing such policies and taking on more of the responsibilities enabling the volunteers to keep the Town safe. Selectman Butcher concurred, adding that it feeds right into the Study's recommendations to streamline the finances, SOPs, etc., which would ensure that the road ahead utilizes one unified approach.

h. Grants and Awards Update

A copy of a letter from the State of Connecticut Office of Policy and Management was received congratulating the Town on the receipt of a \$198,560.00 2023 Small Town Economic Assistance Program (STEAP) Grant for Town Hall Upgrades. The First

Selectman extended his appreciation to Selectman Lyden, Executive Assistant Alesha Brothers, and Public Works Foreman Tony Gallicchio for aiding in the Grant application.

First Selectman Chmielewski reported that he is gathering a list of all of the grants and awards the Town has received over the last two (2) years, which totals over \$1 million.

i. Salem Disc Golf Course Grand Opening Update

A Ribbon Cutting/Grand Opening ceremony for the Disc Golf Course was recently held. The revised Course was a team effort by various individuals and departments, including Selectman Liaison Butcher, the Recreation Commission, Public Works, Emergency Management, Emergency Services, and countless volunteers. The Course now begins and ends at Bob Appleby Fields at Volunteer Park on Forsyth Road, rather than the Salem Community Park Pavilion. Selectman Butcher added that the course is world-class and very unique. He has received positive feedback on the Course and recognized Designer Rob LeMire and Recreation Commission Member Steve Wlodarczyk. He encouraged everyone to visit the Course and/or walk the trail.

j. Board of Education (BOE) Non-Lapsing Account

Selectman Butcher expressed his opposition to the BOE's request for a Non-Lapsing Account, stating that the (Town's) bookkeeping should be sound and the funds should be streamlined and transparent to the public, citing their similar request to the GLVFCO.

Selectman Lyden added that the matter is between the Boards of Finance and Education. The BOE has requested that the account be established to fund any unanticipated special education (SPED) expenses that arise throughout the school year. He stated that the Town does and has always provided additional funds to the School, as necessary, and no other department in the Town has such an account.

Selectwoman Munro stated her opposition to the account when it was raised during her tenure on the BOE. She felt that it would be more beneficial to the BOE to request additional funds from the Board of Finance when the unanticipated expense arises rather than waiting until they have expended all of their other options.

First Selectman Chmielewski reiterated his request to provide their responses to the five (5) questions posed by the Board of Finance to him.

k. Tax Collector Refunds

M/S/C: LaBonte/Munro, 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 \$1,633.40 (one thousand six hundred thirty-three dollars and forty cents) on this 3rd day of October 2023.

Discussion: None. Voice vote, 5-0, all in favor.

5. REPORTS

a. FIRST SELECTMAN

First Selectman Chmielewski provided the departmental updates to the Board, which included reports from the Public Works Department; the Library, where he read a book to the first-grade class; the Tax Collector, who reported a 56.74% Collection Rate, and the Town Clerk, who will soon be retiring. Salem School's Annual Town Meeting with the Second Graders will be held soon.

b. EMERGENCY SERVICES – POLICE/FIRE

A copy of the Connecticut State Police Troop K Lt. Adam Litwin's Report was provided to the Board. The Report states that there were 72 non-reportable matters in the month of September (1,105 year-to-date). Non-reportable matters include assisting residents, conducting safety checks, and spending time at the School. A Shelter in Place Drill was held at Salem School and additional evacuation and school drills are being planned.

c. EMERGENCY MANAGEMENT

Emergency Management (Emergency Preparedness Agency) continues to meet as the hurricane season continues.

d. RECREATION COMMISSION

The Salem Community Park Pavilion will soon be home to a sand volleyball court. A Monster Mash & Trick or Trunk event, in partnership with the GLVFCO and Salem PTO, will be held on Sunday, October 29, from 2:00 to 5:00 p.m., at Gardner Lake Volunteer Fire Company. Adult Recreation Co-Ed Pick-up Volleyball, Pickleball, and Basketball games have begun during weekday evenings at Salem School. Selectman Lyden added that a nice Community Tag Sale was held over the past weekend.

e. BOARD OF FINANCE

The Board of Finance is in the process of planning for the FY2024/25 budget and will be meeting next Thursday, October 12, to continue their discussions.

f. BOARD OF EDUCATION (BOE)

Selectwoman Munro reported that during the roof replacement, wires were damaged and, as a result, the BOE meetings will not be available online for several weeks due to supply-chain issues. Very positive results were received from an early-year Climate Survey of the staff, families, and students. Another survey will be conducted later in the school year. She was recently invited to speak with the seventh- and eighth-grade students regarding the revolution and the Town's involvement, on behalf of the Historical Society. She commended the teacher, who also discussed the chocolate crisis.

g. PLANNING & ZONING COMMISSION

The Commission continues to meet and has been busy holding Public Hearings. Selectman

Lyden added that he attended the Inland Wetlands & Conservation Commission meeting Monday evening to discuss a Cease & Desist Order that was issued to the Town regarding a small area along the Multi-Purpose Trail in which an as-of-right determination was received to maintain the area. The Order has been lifted and he will be meeting with the Town Engineer and Public Works to instigate a corrective action plan. The Town Attorney and Zoning/Wetlands Officer will be holding training sessions with the Planning & Zoning and Inland Wetlands & Conservation Commissions and Public Works Department. The training will be funded by the Town's legal budget. He added that the training, which is now required for the Commissioners, may help to reduce the Town's liability.

h. ECONOMIC DEVELOPMENT COMMISSION

First Selectman Chmielewski reported that the second First Selectman & Economic Development Commission Salem Business Roundtable was recently held. The goal of the Roundtable is to find ways in which the Town could better support its local businesses, introduce businesses to each other, and create a synergy amongst them.

i. LIBRARY

New Chairperson Alan Benkert was elected to replace outgoing Chairperson Diane Robillard who will be moving out of town. In addition, Heather Wilkey was appointed as a Full Member of the Board. The interior of the Library has been painted and refurbished and an ADA ramp was added at the side of the building.

j. TVCCA (Thames Valley Council for Community Action)

Selectwoman Munro reported that she attended a retirement party for the outgoing Chief Executive Officer Deborah Monahan, who has worked with TVCCA for 50 years. CEO Monahan will remain as a consultant to assist Josh Kelly who was named as the new CEO. TVCCA is requesting donations to help those who may be on the edge of qualifying for funding. Those in need of heating assistance should begin applying now in preparation for the winter season.

6. ADJOURNMENT

M/S/C: LaBonte/Lyden, to adjourn the meeting at 8:38 p.m. Discussion: None. Voice vote, 5-0, 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.