

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY, DECEMBER 5, 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
Kevin Lyden
Pam Munro

ABSENT

none

CALL TO ORDER

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

1. PLEDGE OF ALLEGIANCE

A Moment of Silence was taken for Gardner Lake Volunteer Fire Company (and other volunteer organizations) Member Willis Sands, Jr., who tragically passed away. The flag was ordered to fly at half-staff in his honor and the Board's condolences, thoughts, and prayers were offered to his family and the Gardner Lake Volunteer Fire Company (GLVFCO) as well as their full support.

2. APPROVAL OF MINUTES

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

**M/S/C: Butcher/LaBonte, to approve the Board of Selectmen September 5, 2023
Regular Meeting Minutes, with the following amendment:**

Page 6, Item 5(e), 2nd Line:

First Selectman Chmielewski stated that the Town has requested but not yet received an Audit from the ~~GLVFCO~~ *GLVFCO*.

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

3. CORRESPONDENCE

The following correspondence was read into the record:

- a. A Copy of a Letter from former Selectman David Kennedy regarding the recent MRI (Municipal Resources, Inc.) Public Safety Report
- b. A Copy of a Letter, dated October 19, 2023, from First Selectman Chmielewski to GLVFCO regarding the Town's receipt of the October 9, 2023 Invoice for the Fourth Quarter Stipend Reimbursement

- c. A Copy of a Letter, dated October 19, 2023, from First Selectman Chmielewski to GLVFCO regarding the On-Call Nominal Fee Stipend Agreement and Audit
Recent communication received from GLVFCO may make items (b) and (c) moot. Selectman Butcher stated that, during their last meeting, a question arose regarding which MOU (Memorandum of Understanding) that is referred to in the letter.
- d. A Copy of a Letter from GLVFCO to Board of Finance Chairman Skip Dickson regarding the Board's agreement to review the ambulance billing funds from July 1, 2019 to June 30, 2022, with conditions

The following correspondence was not read into the record:

- e. A Copy of a Letter from Chief of Fiscal and Administration Roger Persson to Salem Public Schools Superintendent Brian Hendrickson regarding the Board of Education's noncompliance with the 2023/24 Minimum Budget Requirement (MBR)
- f. A Copy of a Letter from the GLVFCO to Salem residents.
The letter requested that residents direct their comments to either the First Selectman and/or the Board of Selectman. Selectman LaBonte reported that he has not received any comments or feedback. First Selectmen Chmielewski and Munro reported the receipt of correspondence questioning the timing of the mailing of the letter so close to the election. Selectman Lyden received comments questioning the appropriateness of the letter. Selectman LaBonte informed the public that the lawsuit was amended to include an additional complaint on November 22, 2023.

4. PUBLIC COMMENTS

Horace Lindo, 542 Flanders Road, Oakdale; Owner of 348 New London Road, Salem, Public Information Officer, GLVFCO, provided a packet of information, including a letter stating the Fire Company's willingness to allow the Auditor to review the GLVFCO Ambulance Billing Funds. Per the Town Charter, arrangements will be made with the Board of Finance.

Extensive conversation ensued regarding the audit, the Agreement, the Stipend System, and the purchasing of a new ambulance.

First Selectman Chmielewski clarified that the Board of Selectmen, not the Board of Finance, is requesting an Audit to aid them in their renegotiation for a financial agreement.

Mr. Lindo felt that, should the Audit be properly conducted, it would benefit both the Town and the Fire Company.

Selectman Lyden stated that a letter, dated February 25, 2020, was received from the GLVFCO Board of Directors (BOD), in response to his letter, dated January 15, 2020, stating that, upon reasonable request, the Town Auditor may access the books with the Board of Selectmen and no modifications to the Agreement would be requested. He stated

that it is standard practice for non-profit organizations to undergo an audit of their books and it is not unusual for a municipality to request an audit for an organization it is funding. He questioned what, in the Agreement, was difficult to understand and/or adhere to.

Mr. Lindo stated that the Fire Company will work tirelessly with the Town to solve the issue(s) regarding the audit.

Selectwoman Munro commented that a timeframe within which the issue is resolved would be ideal.

First Selectman Chmielewski added that, operationally, the cooperation between the Town, the Fire Chiefs, and the Firefighters is "spectacular" as is the Town's relationship with the Salem Volunteer Fire Company. The issues and difficulties arose as a result of the GLVFCO's Corporate Officers' introduction of a lawsuit against the Town of Salem. The Town requested an audit as part of their agreement to fund the Fire Company. It is in the best interest of the Town and its residents to provide funding. Unfortunately, they are unable to do so without the proper information.

Mr. Lindo stated that the problem will be and must be solved. Another issue is the receipt of the reimbursement for the current stipend system.

Selectmen Chmielewski and LaBonte stated that, due to the lack of an Agreement, there is no current stipend system.

Selectman Lyden called a Point of Order and wished to place a three-minute limit to public comments.

Selectman Butcher stated that once the audit is completed, which it appears the Fire Company is agreeable to, they can move forward.

Mr. Lindo stated that the On-Call and Stipend System is vital to providing ambulance service. Without the funding, the ambulance service would either be inadequate or become defunct. He requested that the Town, in good faith, pay the Fire Company the amount that is owed, citing Chapter 368d, Section 19a of the Connecticut General Statutes which requires Towns to provide emergency medical services to its resident.

In response to Selectman Lyden who called a Point of Order, encouraged them to return to the negotiation table. First Selectman Chmielewski felt that, due to the additional charges the Fire Company's Corporate Officers have introduced to the existing lawsuit, the situation has become further muddled and could potentially limit their ability to negotiate.

GLVFCO Assistant Chief Kevin Milligan, Forsyth Road, corrected the First Selectman's letter, dated October 19, stating that he was also present, along with another member of the Fire Company, but departed early to respond to a Call for Service. He also disagreed with his statement regarding the age of the ambulance, stating that, according to CT OEMS (Connecticut Office of Emergency Medical Services), there is no standard for ambulances.

First Selectman Chmielewski thanked him for his service and stated that the Town has made attempts to meet and negotiate the Agreement since March to no avail. He felt that arrangements should have been made so that they had adequate coverage and the negotiations could have continued due to the urgency of the matter. The statement regarding the age of the ambulance derives from the recent MRI (Municipal Resources, Inc.) Public Safety Study. Since the beginning of his ten (10) year tenure as a Selectman, it has been his understanding that the ambulance would either be replaced or a conversation would be initiated regarding its extended use. He added that the vehicle is constantly in use and, as a result, additional repairs have become necessary, resulting in an overage of 200% in the Department's line item for maintenance.

GLVFCO Assistant Chief Milligan stated that the line item is overspent due to the purchase of new tires, brakes, and the like – items that are preventative and routine.

In response to Selectman LaBonte regarding the status of the purchasing of a new ambulance, he stated that they are actively in search of a new ambulance and have met with one company, will be meeting with another company this week, and will be reaching out to another (local) company. He reiterated that, while the MRI Study noted the age of the ambulance, there is no standard, according to CT OEMS.

First Selectman Chmielewski appreciated the conversation and questioned the estimated cost of a new ambulance. GLVFCO Assistant Chief Milligan estimated that a new ambulance would cost \$350,000.00 and reiterated that the current ambulance has not had any major mechanical issues.

GLVFCO BOD President Cheryl Philopena, 309 Rattlesnake Ledge Road, clarified that the letter, dated February 25, 2020, was authored by her and provided a brief background. In 2003, the ambulance was owned by the Town of Salem. As a result of an inquiry received by one of the residents regarding the funding of the ambulance, the Fire Company presented a two-page letter to then-First Selectman Peter Sielman and the Board of Selectman. The Board of Selectman's meeting minutes included an excerpt of the letter and those minutes have since been understood as the Agreement. The excerpt includes an outline of their plans for the ambulance funds. The Fire Company is in possession of the drafted letter which was never ratified. As such, there was and is no Agreement, and, hence, no changes were necessary in 2020 when the question was raised. In an effort to move forward, she presented a letter to the Board, signed by GLVFCO Chief Pete Silva and herself, stating the GLVFCO BOD's' agreement to an audit. She disagreed with their statements that they have not acted in good faith, as evidenced by their submission to an audit in 2016, 2017, and 2018 and copies of their income taxes. The amendment to the lawsuit derived solely from the Town's refusal to pay for services rendered. The case might have been different should the First Selectman have communicated to the Fire Company that they would not be paid for the months of July, August, and September. She stated that

the voters agreed to add a line item for ambulance stipends in May 2003. In addition, there has been no Emergency Services Agreement since September 1, 2020, and yet, the Town annually funds the GLVFCO and its Ambulance Funds, despite the absence of an Agreement. She reiterated their willingness to comply with an audit, with the exception of the MOU, for which they are requesting clarity. She requested that the funding for the stipends for the months of July through September be submitted immediately after the audit is completed and an Agreement be drafted and signed.

Selectman Butcher stated that the First Selectman had communicated that the MOU would be clarified.

Selectman Lyden cautioned that the conversation involves items included in the current litigation and added that an agreement was drafted to resolve the issues. He did not agree with all of her statements. First Selectman Chmielewski concurred, recalling that an agreement was drafted with the Negotiating Committee to enter into an audit and were scheduled to enter into mediation. Unfortunately, before meeting with the Judge, they were informed by GLVFCO BOD President Philopena that no audit would take place. He stated, for the record, that since former First Selectman Lyden's term to the present, they have made several attempts to negotiate the matter. He informed her that her letter would be forwarded to the Town Attorney and Auditor for review and advisement. Selectman LaBonte clarified that, because the Correspondence period of the Meeting has passed, the letter could not be entered into the record during their January 2024 Regular Meeting.

5. AGENDA

a. Appoint Acting First Selectman, per Section 5.06A of the Salem Town Charter

M/S/C: LaBonte/Munro, to nominate and appoint Selectman Lyden as the Acting First Selectman, per Section 5.06A of the Salem Town Charter.

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

First Selectman Chmielewski thanked Selectman Lyden for his ongoing mentorship, guidance, and assistance.

b. Authorization of the State of Connecticut Department of Emergency Services and Public Protection, Division of Emergency Management and Homeland Security Resolution

M/S/C: Lyden/Butcher, to authorize the Town of Salem to enter into with and deliver to the State of Connecticut Department of Emergency Services and Public Protection, Division of Emergency Management and Homeland Security, any and all documents which it deems to be necessary or appropriate and authorize and direct First Selectman Edward Chmielewski, Jr., to execute and deliver any and all documents on behalf of the Town of Salem, Connecticut, and to do and perform all acts and things which he deems to be necessary or appropriate to carry

out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents. Discussion: The Resolution is required annually and includes the receipt of funds. Voice vote, 5-0, all in favor.

- c. Per Salem Town Charter, Section 10.09 Supplemental Appropriation in the amount of \$34,000.00 for Department 5-135-609, Building Maintenance**

M/S/C: Lyden/Butcher, to approve a Supplemental Appropriation in the amount of \$34,000.00 to Line Item 5-135-609, Municipal Building Maintenance, per Salem Town Charter, Section 10.09. Discussion: Selectman Lyden stated that the supplemental appropriation is for the Town's share of the STEAP (Small Towns Economic Assistance Program) Grant for the Town Hall Upgrades. The upgrades will include a new HVAC (Heating, Ventilation, and Air Conditioning) System and upgrades to the older section of the Town Hall building. First Selectman Chmielewski thanked Selectman Lyden and Executive Assistant Alesha Brothers for completing and submitting the grant application. Voice vote, 5-0, all in favor.

- d. Charter Revision Commission for the Town of Salem Connecticut**

Selectman Lyden reported that he has reached out to some of the recommended Candidates who have confirmed their interest in serving on the Commission. He recommended that they nominate and appoint the members during either their January or February 2024 Regular Meetings. To avoid any Conflict-of-Interest issues, it is not recommended that elected Officials serve on the Commission. Selectman Butcher reported that he has also reached out to a few of the Candidates suggested by Selectman Lyden who also confirmed their interest. Selectman LaBonte stated that the Town of East Lyme requested that interested Candidates complete and submit an Application Form. Selectwoman Munro reminded the Selectmen of the requirements that would need to be adhered to regarding the timeline and make-up of the Commission. First Selectman Chmielewski also reminded the Board that the Town Attorney is aware of an Attorney who is experienced with Town Charters and may be available for guidance. Selectman Lyden added that the Commission would also require some funding and may be provided with a specific charge.

- e. Appoint a Representative to TVCCA Board of Directors**

M/S/C: Lyden/LaBonte, to nominate and appoint Selectwoman Munro as the Representative for the Town of Salem to TVCCA (Thames Valley Council for Community Action, Inc.) Board of Directors. Discussion: Per the organization's Bylaws, municipalities are required to (re-)appoint a representative following each election. Selectwoman Munro expressed her appreciation for the appointment, adding that she is enjoying serving as the Liaison. Voice vote, 5-0, all in favor.

f. Approve Meeting Dates for 2024

M/S/C: Butcher/Lyden, to approve the 2024 Board of Selectmen Regular Meeting Dates. Discussion: All meetings will be held at 7:00 p.m. on the first Tuesday of every month, with the exception of the month of November due to the election. Voice vote, 5-0, all in favor.

g. Emergency Responders Awards Ordinance for the Town of Salem

The Ordinance has been sent to the Town Attorney for review. Following the Attorney's review, the document will be reviewed and approved by the Board to send the item to a Town Meeting for final approval. The amended Ordinance will include language allowing the Emergency Responders to receive the maximum allowable amount, per State Statute. The Awards for the younger generation, who do not own property or reside in the Town of Salem, are being discussed and would, most likely, be in the form of an Agreement, rather than an Ordinance. Selectman Butcher also proposed the possibility of providing the Awards on a quarterly, rather than annual, basis.

h. Gardner Lake Volunteer Fire Company, Inc., Ambulance Negotiation Update

Selectman Butcher felt that the letter submitted this evening by GLVFCO BOD President Philopena should move the negotiations forward. Following the audit, the MOU will be clarified and the Agreement will be discussed, drafted, and presented to the Selectmen for comments.

Selectman LaBonte expressed his disappointment with the Fire Company's response to the First Selectman's letter, which did not agree to the terms of the audit. He also stated his dismay with the release of the draft Agreement on social media prior to the election in a manner that was "anti-incumbency". While the Agreement is a draft, the letter insinuated that Selectmen Butcher and LaBonte endorsed the Agreement. In light of the additional complaints and release of the draft Agreement, the Town Attorney will be providing legal advice and the negotiations may be stalled. Selectman LaBonte added that, in addition to the Stipend Agreement, the Committee has also been working on the Ambulance Funds Agreement, "2003 Agreement", and Emergency Services Agreement. The litigation is scheduled to go to court in October 2024, at the earliest. First Selectman Chmielewski also expressed his disappointment with the personal accusations and the timing of the letter and reiterated that the disagreement involves the GLVFCO, Inc., not the Chiefs, Officers, or Volunteers. He encouraged them to be professional and move forward.

i. Tax Collector 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 \$4,467.11 (four thousand four hundred sixty-seven dollars and eleven cents) on this 5th day of December 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 the State Police Report from Troop K Commanding Officer Lt. Adam Litwin. In an effort to be proactive and plan for the summer season, the Resident State Troopers and himself have begun discussing the Gardner Lake Boat Launch area with CT DEEP (Connecticut Department of Energy and Environmental Protection). Town Clerk Linda Flugrad is in the process of scheduling FOIA (Freedom of Information Act) Training Sessions for the boards, commissions, and staff.

b. EMERGENCY SERVICES – POLICE/FIRE

A walk-through safety audit was conducted several months ago at Salem School with Homeland Security. The Town continues to work closely with the State Police, Firefighters/EMTs, Volunteer Fire Companies, Fire Marshal, Emergency Management Team, and Salem School to ensure the safety of the students and staff. The audit found the School to be proactive in their safety measures and the Town was found to be excelling in its cooperation and collaboration with the School.

c. EMERGENCY MANAGEMENT – *see items 5(a) and (b)*

d. RECREATION COMMISSION

A very successful and well-attended Holiday Activities & Tree Lighting event was held.

e. BOARD OF FINANCE

Board of Finance Clerk Cory Bourgeois and Finance Specialist Lisa Jablonski held two (2) well-attended Budget 101 Sessions for the Department Heads and Board and Commission Chairpersons. Capital Plan Requests are due this Thursday, December 7. Capital Plan Requests will be presented and discussed during their January meeting.

f. BOARD OF EDUCATION (BOE)

First Selectman Chmielewski reported that the BOE is currently partnering with East Lyme for its Facilities Director and Food Services and also plans to partner with their Safety Director.

Selectwoman Munro added that BOE Chairman Sean Reith, Vice Chairperson Sue Spang, Treasurer Ryan Little, and Secretary Jennifer Rucci were unanimously re-elected. The BOE also reviewed their Capital Requests. She expressed her pleasure with Facilities Director Chris Lund, who has an extensive background.

Selectman Lyden added that he has reviewed the remaining Capital Funds for the boiler replacement with the Facilities Director and was informed that the generator, which is funded through ARPA (American Rescue Plan Act) Funds, has been ordered.

g. PLANNING & ZONING COMMISSION

The Town Attorney will be conducting a training session for the Commission. Per State Statutes, the Commissioners are required to complete at least four (4) hours of training. The Inland Wetlands & Conservation Commission and Public Works employees will also be completing training.

h. ECONOMIC DEVELOPMENT COMMISSION

The Economic Development Commission hosted a highly successful Small Business Saturday event at Burnett's Country Gardens. The roundtable discussions between the First Selectman and the Economic Development Commission are ongoing.

i. LIBRARY

The Library continues to host several programs, including a performance by Harpist Debbie Vinick for their 19th anniversary event.

j. TVCCA (Thames Valley Council for Community Action)

Selectwoman Munro reported that the tonight's Board of Directors meeting is being run by newly appointed Director Joshua Kelly; Deborah Monahan, who recently retired, will be available to consult, as necessary. The organization was recently awarded a grant expand their childcare center(s). The organization offers assistance to those in need of a variety of aid, including funding for oil and/or food.

6. ADJOURNMENT

**M/S/C: LaBonte/Butcher, to adjourn the meeting at 8:44 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.**