

**TOWN OF SALEM
BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY, MAY 7, 2019 – 7:00 P.M.
SALEM TOWN OFFICE BUILDING**

PRESENT

Kevin's Lyden
Edward Chmielewski, Jr.
David Kennedy
Ron LaBonte
Hugh McKenney

ABSENT

none

CALL TO ORDER

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

- 1. PLEDGE OF ALLEGIANCE with a moment of silence for the victims of the tragic shooting in Colorado.**

- 2. APPROVAL OF MINUTES – April 2, 2019 Regular Meeting.**

M/S/C: Chmielewski/McKenney, to approve the Regular Meeting Minutes of April 2, 2019, with the following amendments:

Page 1, Item 3:

CORRESPONDENCE/PUBLIC COMMENTS ~~—none~~

Page 6, Item 6(E), 4th line from the bottom:

...the proposed sale of 1~~2~~.124 acres of town property for the purpose of . . .

Discussion: None. Voice vote, 4-0-1. Voting in Favor: Selectmen Chmielewski, Kennedy, McKenney, and Lyden. Voting in Opposition: None. Voting in Abstention: Selectman LaBonte.

- 3. CORRESPONDENCE/PUBLIC COMMENTS**

Gardner Lake Volunteer Fire Company (GLVFCO) President Cheryl Philopena spoke on behalf of the Fire Company, who respectfully requests that a meeting be held with the Board of Selectmen to clarify and discuss some issues.

ADDITIONS TO THE AGENDA

M/S/C: McKenney/LaBonte, to add the following items to the Agenda:

Item 4(C)1: Appoint the Law Firm of Conway, Londregan, Sheehan, and Monaco, P.C., to represent the Town of Salem for various legal issues

4(C)2: Appoint the Law Firm of Byrne & Byrne, LLC, to represent the Town of Salem for various legal issues

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

4. AGENDA:

A. Emergency Responder Incentive Program – Action Item

The Board reviewed the list of members of the Gardner Lake and Salem Volunteer Fire Companies who qualify for the Emergency Responder Incentive, as recommended by their respective Fire Chiefs.

M/S: Lyden/Kennedy, to direct the Tax Collector to apply the appropriate tax abatements/stipends for qualified members, as reviewed by the Fire Marshal. Discussion: Selectman McKenney suggested that, based upon the Ordinance, which states that “The Board of Selectmen shall review the Fire Chief recommendations....”, the motion should be amended. GLVFCO James Savalle stated that there is only one individual who might not qualify, as noted on the list. The individual exceeds the amount of Fire and Rescue emergency responses, but lacks the same training as the other members. The ordinance will be reviewed to determine whether an individual must be 18 and over to receive the incentive. The motion was amended as follows:

M/S/C: Lyden/Kennedy, to direct the Tax Collector to apply the appropriate tax abatements/stipends for qualified members, as presented by the Gardner Lake and Salem Volunteer Fire Company Chiefs, with the exception of those who are under 18 years of age which will be determined following a review of the Ordinance. Discussion: Selectman Chmielewski wished to personally thank each and every one of the members for their hard work and years of service and stated their indispensable value to the Town. Voice vote, 5-0, all in favor.

B. Contract Extension for Transfer Station – Action Item

M/S/C: Kennedy/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, 2019. Discussion: Selectman McKenney suggested the possibility of issuing a Request for Proposal (RFP) for services in the future. The First Selectman commended Contractor/Operator Alligood who has served the town for several years and was agreeable to issuing an RFP for a three- to five-year contract in the future. Voice vote, 5-0, all in favor.

C. 89 Norwich Road – Discuss Public Hearing and Consider moving to Town Meeting – Discussion and Action

Discussion ensued regarding the responses received from the public during the recent Public Hearing regarding the sale of town property located at 89 Norwich Road for the purpose of constructing an age-restricted development. While positive responses were received by the Salem Seniors at their regular meeting, the majority of citizens who attended the Public Hearing expressed concerns, including the appraised value of the property, the need to preserve the property as farmland, the possibility of constructing a future fire house on the

property, and the ability to appropriately accommodate the septic and well systems. As stated at the Public Hearing, Selectman Kennedy noted that studies show that the demographics in Salem is changing such that the need for age-restricted housing is growing and is evidenced by the witnessing of those have moved out of the town to reside in such housing in neighboring towns.

M/S/T: Kennedy/LaBonte, to move the sale of town-owned property located at 89 Norwich Road to a Town Meeting for the purpose of constructing an age-restricted development. Discussion: Selectman LaBonte expressed his disappointment regarding the lack of explanation(s) and understanding of the process, as the proposed site plan for the development would not only be required to obtain the approvals of the relevant Commissions, i.e., Planning & Zoning and Inland Wetlands & Conservation Commission, but would also be reviewed and approved by the Town's Zoning and Wetlands Officer, Uncas Health District, and Town Engineer. The site plan reviews would address any drainage and septic/well issues. First Selectman Lyden reported that six (6) individuals who attended the Public Hearing did state to him that they were in favor of sending the item to a Town Meeting. In addition, the Planning & Zoning Commission unanimously agreed to send a favorable §8-24 Review and, as Commissioner Khan-Bureau stated during the meeting, the development, which would occupy approximately three to four of the 12.124 acres, would be considered smart growth. Selectman Chmielewski, who is also the President of the Salem Seniors, added that one of the seniors' biggest concerns is taxes, the State's fiscal issues, and their ability to retire and continue to reside in the Town of Salem. Their job, he stated, is to facilitate the will of the people. While in support of age-restricted developments, Selectman McKenney believed that the Planning & Zoning Commission acted in error as the Municipal Land Use Plan clearly states that the property was designated to house the town's future emergency facility. In such case, the proposal should not have progressed and the Commission should not have issued a favorable review. In response, First Selectman Lyden stated that it is his understanding that the land was purchased by the town for the future needs of the town, with no restrictions. The Municipal Land Use Plan was written by a Committee formed under the Planning & Zoning Commission and was never officially adopted by the Board of Selectmen and/or the Townspeople. Nevertheless, Selectman McKenney felt that the document should have been referred to during the Commission's review of the proposal. Selectman Chmielewski expressed the value of holding a Town Meeting to further discuss and clarify those issues and allowing the townspeople to decide the fate of the property. First Selectman Lyden stated that he would contact Attorney Steve Byrne regarding the validity of the Municipal Land Use Plan and to determine the School's availability for the Town Meeting. Planning

& Zoning Commission Chairperson Ruth Saville clarified and reiterated Selectman's LaBonte's statement that, while it was the consensus of the Commission to provide a favorable §8-24 Review for the sale of the property, the applicant would still be required to present their plans to the Commission for approval. *The motion was tabled.*

C(2) Appoint Law Firm of Conway, Londregan, Sheehan & Monaco, P.C., to represent the Town of Salem for various legal issues

M/S/C: McKenney/Chmielewski, to appoint the Law Firm of Conway, Londregan, Sheehan, and Monaco, P.C., to represent the Town of Salem for various legal issues until further notice by the Board of Selectmen, per Section 7.05(e) of the Town Charter. Discussion: The firm has been serving the Town for the past six (6) years. While the Town Charter indicates the appointment of one Attorney, towns now have several attorneys, specializing in certain aspects of the law. Voice vote, 5-0, all in favor.

C(2) Appoint the Law Firm of Byrne & Byrne, LLC, to represent the Town of Salem for various legal issues

M/S/C: McKenney/Chmielewski, to appoint the Law Firm of Byrne & Byrne, LLC, to represent the Town of Salem for various legal issues until further notice by the Board of Selectmen, per Section 7.05(e) of the Town Charter. Discussion: The firm has been serving the town for the past several years. Voice vote, 5-0, all in favor.

D. Tax Collector Refunds

M/S/C: McKenney/LaBonte, 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 \$357.39 (three hundred fifty-seven dollars and thirty-nine cents) on the 7th day of May 2019. Discussion: None. Voice vote, 5-0, all in favor.

E. Executive Session regarding legal strategies for Emergency Services for the Town of Salem

First Selectman Lyden stated that several articles have been published regarding the issues surrounding Federal labor laws and emergency services, which is affecting not only the Town of Salem, but also its surrounding towns. The town is committed to acting in compliance with the Federal labor laws and aim to work closely with the town's emergency responders.

A short recess was taken at 7:40 p.m.

M/S/C: Chmielewski/Kennedy, to enter into Executive Session for the purpose of discussing legal strategies for Emergency Services for the Town of Salem at 7:50 p.m. Discussions to include Fire Marshal Donald Bourdeau, Jr., Deputy

Fire Marshal John Cunningham, Human Resources Director Lisa Jablonski, Treasurer Pam Henry, Board of Finance Chairman Skip Dickson, Board of Finance Clerk Marshall Collins, and the Town Attorney. Gardner Lake Volunteer Fire Company. Discussion: None. Voice vote, 5-0, all in favor.

M/S/C: McKenney/Chmielewski, to exit out of Executive Session at 9:09 p.m. Discussion: None. Voice vote, 5-0, all in favor. No votes were taken during Executive Session.

6. REPORTS:

A. FIRST SELECTMAN – *no report*

B. BICENTENNIAL COMMITTEE UPDATE

Selectman Chmielewski reported that the Committee is working hard to prepare the year's events. The next upcoming event is the Bicentennial Memorial Day Parade; a variety of activities will be offered in commemoration of and celebrating the town's Bicentennial. Each resident should soon be receiving a booklet highlighting the town's major events in the mail.

C. BOARD OF EDUCATION (BOE)

Selectman McKenney reported that a strong presentation regarding the School's new science curriculum was provided by Superintendent Joseph Onofrio at the recent BOE Meeting.

D. BOARD OF FINANCE

First Selectman Lyden reminded everyone that the referendum for the Town's FY2019/20 Budget will be held tomorrow.

E. PLANNING AND ZONING COMMISSION – *no report*

F. ECONOMIC DEVELOPMENT COMMISSION (EDC)

Selectman Chmielewski reported that each household should be receiving a Business Directory listing all of the businesses and services located in the town in the near future.

G. LIBRARY – *no report*

H. MILITARY LIASION – *no report*

Selectman McKenney reported that he has been elected as the Chairman of the re-formulated Unsung Hero Committee. The Committee is hoping to hold its Award Dinner in November 2019.

7. ADJOURMENT

M/S/C: LaBonte/McKenney, to adjourn the meeting at 9:16 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