

**SALEM BOARD OF SELECTMEN  
SPECIAL MEETING MINUTES  
TUESDAY, JANUARY 10, 2017, 7:00 P.M.  
SALEM TOWN OFFICE BUILDING**

**PRESENT**

Kevin Lyden, First Selectman  
Edward Chmielewski  
Stuart Gadbois  
David Kennedy  
Robert Ross

**ABSENT**

*none*

**1. CALL TO ORDER:**

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

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF MINUTES**

A. December 6, 2016 Regular Meeting

**M/S/C: Gadbois/Kennedy, to approve the Regular Meeting Minutes of December 6, 2016 with the following amendments:**

Page 5, Item 6(F):

ECONOMIC DEVELOPMENT COMMISSION ~~—no report~~

Town Planner Richard Serra *attended the Commission's November meeting and reported on* ~~and recently attended~~ a meeting held by Colchester's Economic Development Commission.... The *Southeastern* Connecticut Council of Governments (*SECCOG*) is currently working with the ...

**Voice vote, 4-0-1. Voting in Favor: Selectmen Chmielewski, Gadbois, Kennedy, and Lyden. Voting in Opposition: None. Voting in Abstention: Selectman Ross.**

**4. CORRESPONDENCE/PUBLIC COMMENTS:**

Michael Siebert, Chairman, Board of Education (BOE), reminded the Board that the School Building Committee has one open project remaining and stated that the BOE plans to re-develop a five-year Long Range Strategic Plan. Utilizing the services of a consultant, East Lyme, working with Salem, recently completed their Strategic Plan and the Board is hoping to utilize the services of the same consultant to help them do the same. He plans to speak with the Board of Finance at their Regular Meeting this Thursday, January 12, 2017 regarding the budgeting of approximately \$7,000.00 for the development of the plan.

Board of Selectmen Special Meeting Minutes  
Tuesday, January 10, 2017

With regards to the School Building Committee, First Selectman Lyden stated that the outstanding issue pertains to two of the air handlers, which are leaking. They are currently investigating possible options in an effort to not only repair, but to also avoid any future issues. It was noted that the remaining funds would be utilized for the repair(s).

In response to Selectman Chmielewski, Chairman Siebert stated that the appointment of a BOE representative for the Board of Selectmen would be placed on their next agenda.

## 5. AGENDA:

1. Management Discussion and Analysis (MD&A) FY15-16  
The Selectmen reviewed the Financial Highlights, Government as a Whole, and General Fund Budgetary Highlights, as stated in the MD&A. The MD&A has been filed with the Town's Fiscal-Year 2015-2016 Financial Report and will be included in the Town's Annual Report.
2. Reduction in State Funding (letter from OPM)  
Due to the State's reduction in the adopted budget for Fiscal-Year 2016-2017, the Town will receive a cut of \$23,867.00 for the Education Cost Sharing (ECS) Grant. In addition, the State has frozen their funding of the Local Capital Improvement Program (LoCIP) and the Town will not be receiving their entitled amount of approximately \$34,400.00. The future of the funding for LoCIP is unknown at this time and additional municipal cuts are expected as the State continues to struggle with its budget. Selectman Ross noted that the ECS calculations are based on an old formula and may be reviewed/revised in the near future.
3. Small Cities Grant for 2017  
The Small Cities Grant is awarded by the State Department of Housing to assist qualified low- and moderate-income homeowners to fund the costs for necessary health and safety improvements, e.g., roofing, furnaces, and the like, to their homes. The Grant provides a zero interest loan to residents who meet the income requirements and are current in their payments and taxes. Once the title is transferred, the funds are returned to the Town for either redistribution for the same purpose or deposited into the Town's General Funds. As such, it is a grant awarded to the Town and a loan granted to the Homeowner. An initial solicitation for interested parties was sent out in 2014 and, though it experienced a slow start, the funds are now expended. A new letter has been posted on the website and may be included in the next issue of *Our Town Salem* inviting interested parties to submit a Letter of Interest. Should the Town receive enough interest, the First Selectman will reapply for the Grant. In response to Selectman Chmielewski, there are no strings attached to the Grant. Selectman Ross stated that the program, which is directed towards individual homeowners rather than housing units, is a true benefit to the Town and its residents.
4. December 2016 Police Activity Report  
The Salem Resident State Troopers and Troop K Troopers have responded to a total of 307 Calls for Service, including 7 accidents, 7 criminal, 1 non-criminal, 212 non-reportable

Board of Selectmen Special Meeting Minutes  
Tuesday, January 10, 2017

matters, 81 traffic citations, and 18 written warnings, in the Town of Salem for the month of December 2016. It was noted that the Troopers volunteer their time to host the Toy Drive and Senior Citizens Luncheon. Selectman Chmielewski expressed his appreciation for the report.

5. Pavilion Rates for 2017

**M/S/C: Ross/Gadbois, to approve the following Pavilion Rental Rates:**

<u>Resident</u> - \$50 Deposit, refundable		<u>Non-Resident</u> - \$100 Deposit, refundable	
4 Hours	\$40.00	4 Hours	\$80.00
8 Hours	\$80.00	8 Hours	\$160.00
12 Hours	\$120.00	12 Hours	\$240.00

**Discussion: The item was tabled at last month's meeting pending further review and discussion. Selectman Chmielewski expressed his appreciation for the discussion and was happy to hear at the last meeting that the renters may not charge a fee for parking. First Selectman Lyden added that the facility is rented free of charge for community events. Voice vote, 5-0, all in favor.**

6. Tax Collector Refunds

**M/S/C: Chmielewski/Kennedy, 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 \$1,634.80 (one thousand six hundred thirty-four dollars and eighty cents) on the 10th day of January 2017. Discussion: None. Voice vote, 5-0, all in favor.**

7. Discussion with Recreation Commission letter dated October 19, 2016.

Sue Spang, Chairperson, Recreation Commission, stated that she is seeking closure regarding the existing issues so that the Commission can move forward with their tasks and duties.

First Selectman Lyden provided a brief history of the relationship between the Town's employees and the Commission, stating that 1-1/2 years ago, three (3) employees were serving on the Commission, two (2) of who have since resigned from their positions on good terms. The six (6) points indicated in the letter, which was reviewed by the Board of Selectmen prior to its delivery, were reviewed and discussed:

1. Retention/re-institution of the salemct.gov e-mail address

A copy of the relevant section(s) from the Personnel Manual, which was approved by the Board of Selectmen in 2011, was enclosed with the letter. All Town e-mails are archived and specific e-mails may be requested. He is not aware of any other volunteers, who serve on boards, commissions, or organizations, who are provided with a town/organization e-mail address. An exception is the Town's Board of Education whose members are provided with an e-mail address and are archived as

Board of Selectmen Special Meeting Minutes  
Tuesday, January 10, 2017

the property of the Board. He has also consulted with CIRMA (Connecticut Interlocal Risk Management Agency) regarding the issue and they have stated that they are not aware of any towns that provide an e-mail address for their volunteers. He recited a letter received by a Risk Management Consultant, CIRMA, who recommended that, should the Town agree to provide a Town-issued e-mail address, a new and different address with different rights and access be issued to members of Boards/Commissions to ensure that the individual(s) have access to only board-specific materials. Should the Board of Selectmen vote in favor of issuing a Town e-mail address, Town policies and procedures regarding the Code of Conduct, disciplinary, use of Town electronic devices, use of social media, etc. should be reviewed and signed by all parties so as to protect the Town from any liabilities. The costs for providing such e-mail address would also need to be determined.

Selectman Chmielewski stated that, as a former member of the BOE, he was provided with a BOE-issued e-mail address and has advocated for a Town e-mail address for the members of the Board of Selectmen. In view of the recent e-mail investigation and controversy involving a presidential candidate, he felt that the Board should review and revise the policy to provide elected officials and Board/Committee Chairpersons, at the very least, with an official e-mail address. He felt that e-mails regarding Town-related issues should be owned and monitored by the Town and it would be considered a best practice to do so. He suggested including the item on future agendas for further public discussion.

Chairperson Spang concurred and stated that the Recreation Commission voted in favor of sending a recommendation to the Board of Selectmen for the Recreation Chairperson to be provided with a Town-issued salemct.gov e-mail address. She felt that, at the very least, the Chairperson of all Boards and Commissions should be provided with that opportunity. She felt it would be more of a liability to the Town for volunteers to be utilizing their own personal e-mail account to conduct Town business. In addition, a Town-issued e-mail address would be a benefit to the Town in terms of providing transparency. After reviewing an FOIA (Freedom of Information Act) case in which it was determined that private e-mail accounts on which government business is conducted are subject to FOIA requirements and can be audited, she expressed her increased lack of willingness to utilize her personal e-mail account for Commission-related business. Contrary to other Boards/Commissions, the Recreation Commission is involved with such activities as capital projects, correspondence with vendors, engineers, various recreation leagues, etc. In speaking with the company regarding a separate issue, she was informed her that, as an off-site user, her town-issued e-mail account is provided free of charge.

Board of Selectmen Special Meeting Minutes  
Tuesday, January 10, 2017

First Selectman Lyden clarified that a different domain name would be created for those e-mails to be used by volunteers, which would, most likely, have a cost.

After reviewing the information provided by Chairperson Spang, Selectman Kennedy stated his support for the Board of Selectmen to consider and discuss providing e-mail addresses for Chairpersons of Boards/Commissions. Selectman Ross noted that the e-mail address should have been terminated at the time of her resignation but, due to the transition of pending Grants, her e-mail account was maintained. While he is not opposed to reviewing and revising the existing Policy, he stated the importance of heeding that Policy. Chairperson Spang noted possible conflicting information in the manual, stating that the first paragraph in Appendix D states that: "Certain employees, elected officials, independent contractors, consultants and temporary workers (Users) may be provided with access to the Town's computer resources to assist them in the performance of their jobs." while Section VII - Employee Conduct, item E. Computer & Internet Use states that "Only authorized employees may use or access the Town's computer resources..."

First Selectman Lyden clarified that volunteers are not indicated in the Policy at this time. Should it be the will of the Board, the issue will be further investigated and the Boards/Commissions will be contacted to gauge their interest. He reiterated that additional policies and procedures will need to be in place and the costs will need to be determined for the establishment of providing e-mail addresses with a different domain name(s). Selectman Chmielewski stated his support in revising the Policy and creating e-mail addresses for the Chairpersons of the various Boards/Commissions as it would be in the best interest of the Town and best practices. Selectman Kennedy felt the issue should be further discussed and, when presented to the Boards/Commissions, the consequences for utilizing a personal e-mail address for government business should be made known. Commissioner Weston did not see an issue with the issuance of Town-related e-mail addresses as it would allow the Town to properly monitor the e-mails. Commissioner Teri Natoli commented on the timing of the ceasing of her e-mail account, which occurred during the middle of the construction of the Multi-Purpose Trail Bridge, without warning and resulting in an inconvenience. She added that one might also create an alternative free account through gmail.com, or similar, to be specifically utilized for Board/Commission-related business. Keeping in mind the litigious culture in which we are currently residing, she understands the benefit of a Town-provided e-mail address. Commissioner Pamela Henry also understands the liability issues and felt that, while a free account can be easily set up via gmail.com or similar, the Town would not have any oversight. Chairperson Spang also suggested a generic e-mail address, i.e., chairman@xxx.com, making the e-mails accessible by future Chairs. She also raised the question as to the length of time the e-mails must be retained, private or

Board of Selectmen Special Meeting Minutes  
Tuesday, January 10, 2017

otherwise. The Selectmen were not opposed to further discussing, reviewing, and revising the Policy. Chairperson Spang expressed her appreciation to the Board for their consideration.

2. Access to the Vaults
3. Removal of items from the Vault

Items 2 and 3 have been discussed between the First Selectman and Chairperson Spang. The items that were removed from the vault were glow sticks that had been stored in the vault for approximately three (3) years and were removed to be utilized for the Commission's upcoming Trick or Trunk event. All items to be stored in and/or removed from the vault must be approved by the Town Clerk. Chairperson Spang stated that she understands the importance and value of the Town records and recalled an incident during her employment with the Town of a missing map that was eventually reproduced at great expense. First Selectman Lyden requested that, should there be any remaining Commission-related items currently being stored in the vault, she contact the Town Clerk for immediate removal. All Recreation-related documents and/or items should be stored at the Zemko property.

4. Recreation Program Coordinator Position – *discussed during Executive Session*
5. Requests for Financial Information
6. Purchasing Policy

Both items 5 and 6 are understood and have been agreed upon.

A short recess was taken at 8:14 p.m. as attendees were invited to exit the Conference Room for Executive Session.

8. Executive Session regarding performance of a Town Hall Employee

**M/S/C: Kennedy/Gadbois, to enter into Executive Session at 8:18 p.m. Discussion:**  
**Discussion included members of the Board of Selectmen, Human Resources Administrator Lisa Jablonski, Recreation Coordinator Vanessa Bunnell, and members of the Recreation Commission. Voice vote, 5-0, all in favor.**

**M/S/C: Gadbois/Ross, to exit from Executive Session at 9:42 p.m. Discussion: None.**  
**Voice vote, 5-0, all in favor.**

## 7. ADJOURNMENT

**M/S/C: Gadbois/Ross, to adjourn the meeting at 9:45 p.m. Discussion: None. Voice vote, 5-0, all in favor. Meeting adjourned.**

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