

**BOARD OF SELECTMEN
SPECIAL MEETING MINUTES
WEDNESDAY, JANUARY 17, 2024, 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

ALSO PRESENT

Town Attorney Brian Estep

CALL TO ORDER

First Selectman Chmielewski called the meeting to order at 7:05 p.m.

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

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

**M/S/C: LaBonte/Butcher, to approve the Board of Selectmen December 5, 2023
Regular Meeting Minutes. Discussion: Selectwoman Munro suggested the
possibility of posting the Agenda Packet online for the public. Voice vote,
5-0, all in favor.**

3. CORRESPONDENCE/PUBLIC COMMENTS

Horace Lindo, 542 Flanders Road, Oakdale, owner of 348 New London Road, Salem, stated that the Gardner Lake Volunteer Fire Company (GLVFCO) Chief and Board of Directors President were unable to attend this evening's meeting due to a mandatory training session. He proposed changing their strategy on the ongoing lawsuit and working together to resolve their issues, citing the growing legal fees. He felt that the funds would be better spent on other items for the town. He felt that the lawsuit was hindering them from moving forward and expressed his interest in finalizing a comprehensive agreement that would ensure that the town would have ambulance service for years to come.

Diba Khan-Bureau, 40 Hilltop Trail, thanked Mr. Lindo for his comments, which made sense. She requested that the Board consider appointing Kimberly Bradley to fill the vacancy on the Inland Wetlands & Conservation Commission and/or the Planning &

Zoning Commission, should there be a vacancy for an Alternate Member. Ms. Bradley currently works for the CT DEEP (Connecticut Department of Energy and Environmental Protection) and is extremely educated, well-regarded, and well-trained in the field of wetlands and land use.

4. **EXECUTIVE SESSION: To provide an update and to discuss legal strategies regarding the current lawsuit brought against the Town of Salem by the Gardner Lake Volunteer Fire Company, Inc., “The Gardner Lake Volunteer Fire Company, Inc. vs. Town of Salem” pursuant to C.G.S. Section 1-200 (6)(B) New London Judicial District Docket number KNL-CV-20-6046141-S**

M/S/C: Butcher/LaBonte, to enter into Executive Session to provide an update and discuss legal strategies related to the current lawsuit of “The Gardner Lake Volunteer Fire Company, Inc. vs. Town of Salem” pursuant to C.G.S. Section 1-200 (6)(B) New London Judicial District, Docket number KNL-CV-20-6046141-S. Discussions to include members of the Board of Selectmen and Town Attorney Brian Estep. Discussion: Selectman Lyden stated that the lawsuit was brought against the town by the Fire Company following several meetings to try to resolve the issues. The town continues to be hopeful that the issues will be resolved and the Board has continued in their attempts to work together with the Fire Company for several years, including an opportunity for the Plaintiff to drop the lawsuit. As the Executive Board for the Town, it is the Board of Selectmen’s duty to defend the town when a lawsuit is introduced against the town and funds have been expended. First Selectman Chmielewski added that the lawsuit had been active before his first term in office. He concurred that the Board has acted in good faith and attempts have been made to mediate, negotiate, and settle the matter for several years. Both Selectmen Butcher and LaBonte have been working with the Fire Company to discuss and negotiate the Agreement since April 2023. Selectman LaBonte stated his belief in Mr. Lindo’s and the GLVFCO membership’s genuine desire to resolve the issues. The Plaintiff’s decision to add additional charges to the lawsuit in November 2023 and mail a letter to the residents before the election does not display an act of good faith and adds difficulty to the negotiation process. As such, he suspected that the case would go to a jury trial at the end of the year. Selectman Butcher expressed his respect for the Fire Company and felt that the resolution was simple: the dropping of the lawsuit would help resolve the issues and the completion of the Audit of the Ambulance Funds would result in the finalization of the Agreement. First Selectman Chmielewski clarified that the disagreement is not with the Chiefs, EMTs, Firefighters, or First Responders. Rather, it is

with the Board of Directors of the GLVFCO. He concurred that the funds could be better utilized for such items, including establishing a program for Firefighter Stipends, which would award the town's Firefighters, Fire Police, EMTs, First Responders, and Paramedics. He reiterated that the town has been negotiating in good faith. Voice vote, 5-0, all in favor. Invited parties exited Town Council Chambers for Executive Session at 7:20 p.m. First Selectman Chmielewski resumed the meeting at 7:55 p.m. No motions were made and no votes were taken during Executive Session.

5. AGENDA:

a. Charter Revision for the Town of Salem, Connecticut

First Selectman Chmielewski recognized the Board's discussions regarding the Charter Revision and commended them for reviewing the information and exhibiting caution. Town Attorney Brian Estep stated that he previously outlined the general rules of the Charter Revision process and recommended the town engage the services of outside counsel to guide them through the Charter Revision process. He introduced Attorney Steven Mednick (via *Zoom*) who has guided numerous municipalities through the Charter Revision process.

Atty. Mednick provided a brief history of the Home Rule Act of 1957, which essentially governs how local governments run and allows municipalities to draft Charters. The Act was further memorialized in the current Constitution which was adopted in 1965 and includes a section regarding Home Rule. While the Act does not allow local governments to have any inherent legal or sovereign authority, it allows them to have authority over those matters granted by the General Assembly, most of which are included in Title VII of the CT General Statutes. There are two (2) mandatory required provisions for a Charter: a Chief Executive and a Legislative Body. The goal of a Charter Revision is to provide clarity. The document should be flexible, leaving the day-to-day governance to ordinances and policies; hold the town accountable, and; unambiguous, avoiding a culture of disregard or paralysis.

While his initial review of the Town's Charter revealed a well-organized and structurally coherent document, he posed the question as to whether the provisions reflect the town in the current time period. The Charter Revision process was outlined as follows::

Creation of the Charter Revision Commission – Requires a two-thirds vote by the Board of Selectmen to approve the creation of the Commission.

Appointments to the Charter Revisions Commission – Requires a majority vote and must be completed within 30 (thirty) days of the creation of the Commission.

Minority party representation rules apply. No more than one-third of the Commission shall hold a public office within the municipality.

The Commissioners should have an understanding of the functions of government, aim to draft a Charter that is similar to a Constitution and establishes accountability, and provide local elected officials with the flexibility to administer the local government within the context of oversight by the public. They should also be aware of the Constitution; CT General Statutes Title VII; the impact of Collective Bargaining Agreements, which trumps local laws, and; the Town Charter vs. ordinances. The Commission should also realize the importance of actively engaging the public – a Charter Revision in which the public is minimally involved should be avoided.

Resolution Setting the Deadline for a Draft Report – A second Resolution setting the date shall be made by the Board of Selectmen. The Commission has 16 (sixteen) months from the date of appointment to present the document to the Board of Selectmen.

Organizational Meeting

Initial Statutorily- required Public Hearing – Recommended that the Public Hearing be held either during or immediately following the Organizational Meeting.

Meetings – He recommended that an initial red-line session, which includes a chapter-by-chapter review of the document with the Town Attorney, citing any challenging areas, be held. The scope of the enterprise should also be clearly defined and enunciated. The Commission's second meeting should include a review of the document with the First Selectmen, members of the various Boards and Commissions, and Town Officials. The Commission should meet regularly and periodically consult with the Town Attorney and provide reports to the Board of Selectmen.

Board of Selectmen Review & Approval – A draft of the document must be sent to the Board of Selectmen for review and approval to send the document to a Public Hearing. The Board of Selectmen has up to 60 (sixty) days to either approve or return the document to the Commission for revisions.

Public Hearing – Must be held within 45 (forty-five) days of the receipt of the Report by the Board of Selectmen.

Board of Selectmen – Must vote to approve the final document or request that it be amended within 15 (fifteen) days of the Public Hearing. Should the document require revisions, the Commission shall meet with the Board of Selectmen to take action and submit the revised document within 30 (thirty) days. The Board of

Selectmen may approve or request additional revisions to the amended portions of the document within 15 (fifteen) days of receipt.

Upon approval, the Board of Selectmen shall disband the Commission and formulate the ballot question(s), which must be submitted to the Secretary of State.

Referendum – The Referendum is generally held during a General Election. A freestanding Referendum requires a vote by a minimum of 15% of the town's electors. The 15% rule does not apply if the referendum is held in tandem with a municipal election.

If retained, his job would be to provide legal advice to the Commission alongside the Town Attorney. He also provides assistance with research and may provide workshops and facilitate deliberations and interactions. He provided a brief background of his experience, including his work with a variety of municipalities, both large and small, throughout the state.

Charter Commission's Task (Selectman Lyden) – The level of direction varies from municipality to municipality. While warning against being too prescriptive, any items of concern, especially those which the town has had to work around, may be included in the Resolution to provide the Commission with some direction.

Ideal Number of Members (Selectman Butcher) – Based on his experience, he recommended a Commission of five (5) to nine (9) members. A larger membership may be necessary for communities with a need for political buy-in or to accommodate competing groups.

Establishing the Commission and Appointment of Members (Selectman Lyden) – Atty. Mednick will investigate whether it is possible to establish the Commission and appoint the members at the same meeting. Discussion ensued regarding the timing of the draft date and referendum and the possibility of any flexibility.

A consensus was reached to develop a plan of action and proceed with the Charter Revision. The Selectmen thanked Atty. Mednick for providing an informative presentation.

- b. Update of the current lawsuit brought against the Town of Salem by the Gardner Lake Volunteer Fire Company titled "The Gardner Lake Volunteer Fire Company, Inc. vs. Town of Salem", New London Judicial District Docket number KNL-CV-20-6046141-S.**

First Selectman Chmielewski reported an additional charge has been added to the existing lawsuit, which is continuing.

c. Update on the ongoing Negotiations between The Town of Salem & The Gardner Lake Volunteer Fire Company Inc. regarding the On-Call System (OCS) and an associated Nominal Fee Stipend – payment / Structure proposed to be paid by the Town of Salem to the Gardner Lake Volunteer Fire Company Inc. for services rendered by their Volunteer Ambulance Crew Responders

First Selectman Chmielewski thanked Selectmen Butcher and LaBonte for serving on the Negotiating Committee with Atty. Estep.

Selectman LaBonte reported that there have been eight (8) scheduled meetings since April 2023, three (3) of which were not held due to the absence of the full contingency of GLVFCO. The Committee is negotiating three (3) different items: the On-Call Stipend System, the 2003 Agreement specific to the Ambulance Funds, and the Emergency Services Agreement. In December, the GLVFCO presented the First Selectman with a letter submitting to an Audit of the GLVFCO Ambulance Funds, per the 2003 Agreement. The Committee will resume their negotiations after the completion of the Audit. First Selectman Chmielewski added that all of the items that have been made public regarding the matter were made with the consensus of the Board of Selectmen.

Selectman Butcher added that a full Audit should be required of all town organizations that receive funding from the town, adding that it is difficult for the town to make any financial decisions without any knowledge of the numbers.

Selectman LaBonte added, in response to the comments made on social media, that the town is unable to provide the stipends without an Agreement. Once the Agreement is drafted, it will be presented to the Board of Selectmen for review and approval.

First Selectman Chmielewski stated that the Board of Selectmen has a long history of fairness and generosity to the town's firefighters, Emergency Responders, EMTs, and Resident State Troopers. While negotiating in good faith, the Fire Company has introduced an additional charge that has further complicated the negotiations. He noted that the Agreement may include the retroactive payment of the invoices that have been received since the cancellation of the Agreement.

d. Gardner Lake Volunteer Fire Company Ambulance Replacement Update

Selectman LaBonte reported that the Fire Company's Ambulance Spec Committee has selected a vendor and an ambulance for purchase, which is estimated to take two (2) years. The Fire Company is hesitant to order the ambulance without an Emergency Services Agreement. He stated that he has assured the Chiefs that the town supports the purchasing of a new ambulance.

In response to the First Selectman who questioned whether he, the Fire Marshal, or the Full-time Firefighter/EMTs were involved with specing out the new ambulance, Selectman LaBonte stated that he was not aware of their involvement.

e. Emergency Responders Awards Ordinance for the Town of Salem Update

First Selectman Chmielewski reported that they are continuing to work on the Ordinance, which will require a Public Hearing and Town Meeting. The Ordinance will provide an additional incentive for the town's firefighters.

f. Dispose of Town-owned Personal Property in accordance with Section 5.05-3 of the Salem Town Charter – Public Works Equipment

M/S/C: Lyden/LaBonte, to approve the disposal of Town-owned Personal Property, in accordance with Section 5.05-03 of the Salem Town Charter. Discussion: The equipment, which was deemed obsolete by the Public Works Foreman, will be posted for sale on Municibid or a similar source. The funds will be deposited in the town's General Fund. The items include a mower, whacker/compactor, mulching machine, sweeper, and a truck with an over-the-rail mower head. Per the Atty. Estep, the clamshell truck was removed from the list and it will be confirmed that none of the items are valued at over \$15,000.00. Voice vote, 5-0, all in favor.

g. Appoint Recreation Commission Members

M/S/C: Lyden/LaBonte to appoint Jeffrey Pugatch to the Recreation Commission. Discussion: None. Voice vote, 5-0, all in favor.

h. Appoint Economic Development Commission Members

M/S/C: Lyden/LaBonte, to appoint Kathleen Roderick as an Alternate Member of the Economic Development Commission. Discussion: Commissioner Roderick has stepped down as a Full Member of the Commission. Voice vote, 5-0, all in favor.

M/S/C: Lyden/LaBonte, to appoint Tim Whitehouse to the Economic Development Commission. Discussion: None. Voice vote, 5-0, all in favor.

M/S/C: Munro/LaBonte, to appoint Kristin Pugatch as an Alternate Member of the Economic Development Commission. Discussion: None. Voice vote, 5-0, all in favor.

i. Appoint Inland Wetlands and Conservation Commission Members

M/S/C: Lyden/Butcher, to appoint David Carlson as an Alternate Member of the Inland Wetlands & Conservation Commission. Discussion: None. Voice vote, 5-0, all in favor.

M/S/C: Lyden/LaBonte, to appoint Lavan Norwood as an Alternate Member of the Inland Wetlands & Conservation Commission. Discussion: None. Voice vote, 5-0, all in favor.

j. Appoint Charter Revision Commission Members

M/S/C: Butcher/LaBonte, to table the appointment of the Charter Revision Commission to the Board of Selectmen February Regular Meeting. Discussion: None. Voice vote, 5-0, all in favor.

k. Supplemental Appropriation per Section 10.09 of the Salem Town Charter in the amount of \$11,385 for SVFC, Repair/ Maintenance of Equipment, Account 5-222-618.

M/S/C: Lyden/Munro, to approve a Supplemental Appropriation in the amount of \$11,385.00 to Line 5-222-618, Salem Volunteer Fire Company (SVFCO) Repair/Maintenance of Equipment, per Section 10.09 of the Salem Town Charter. Discussion: Due to unanticipated expenses related to the fire company's equipment, SVFCO Chief Gene Maiorano has requested a supplemental appropriation. The Board of Finance has approved the supplemental appropriation, contingent upon the Board of Selectmen's approval. Selectman LaBonte noted that an additional supplemental appropriation may be necessary to fund the generator for the GLVFCO which was damaged during the recent storm. First Selectman Chmielewski stated that the item may be submitted for possible funding through FEMA as a State of Emergency was declared for the event. Voice vote, 5-0, all in favor.

l. Supplemental Appropriation per Section 10.09 of the Salem Town Charter in the amount of \$20,000 for Charter Commission needs.

M/S/W: Butcher/Lyden, to table a Supplemental Appropriation in the amount of \$20,000.00 for the Charter Commission, per Section 10.09 of the Salem Town Charter. Discussion: First Selectman Chmielewski stated that the item will need to be presented to the Board of Finance and will not start the clock. The motion was withdrawn.

M/S/C: Butcher/LaBonte, to approve a Supplemental Appropriation in the amount of \$20,000.00 for the Charter Commission, per Section 10.09 of the Salem Town Charter. Discussion: None. Voice vote, 5-0, all in favor.

m. Capital Budget Request - Salem Town Campus/ Property Security and Safety Monitoring System Upgrades

M/S/C: Lyden/LaBonte, to approve a Capital Budget Request in the amount of \$34,978.00 (thirty-four thousand nine hundred seventy-eight dollars) for

Salem Town Campus/Property Security and Safety Monitoring System Upgrades. Discussion: Selectman Lyden felt that the request was reasonable and would provide additional safety and security upgrades to select locations. Voice vote, 5-0, all in favor.

n. Tax Collector Refunds

M/S/C: LaBonte/Lyden, 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 \$2,324.17 (two thousand three hundred twenty-four dollars and seventeen cents) on the 17th day of January 2024. Discussion: None. Voice vote, 5-0, all in favor.

6. REPORTS:

a. FIRST SELECTMAN

First Selectman Chmielewski wished everyone a Happy New Year. He commended the Emergency Management and Emergency Services Team for their preparations and handling of the most recent storm event. He reported that he declared a State of Emergency and has been in contact with Senator Martha Marx regarding the state's response to the event.

The Tax Assessor's Grand List report indicates a growth of \$2,661,287.00 or 0.0288 mils.

b. EMERGENCY SERVICES - POLICE / FIRE

Selectman LaBonte reported that the monthly Chiefs' Meetings will now be held every other month. During their December meeting, the Chiefs discussed several items, including the increased cost of firefighter gear to \$6,200 per set, the Standard Operating Procedures and Guidelines, and the ESO Fire Records Management System.

c. EMERGENCY MANAGEMENT

Emergency Management Director Bednarz thanked the Board for the support during the recent storm events. The most recent storm event resulted in the melting of the snow and flooding which compromised the major routes in and out of town and resulted in several road closures. CT DOT (Connecticut Department of Transportation) provided little to no support on the state roads, resulting in a shortage of staffing and cones. The State of Emergency that was declared by the First Selectman may qualify the town for emergency funding through DEHMS (Department of Emergency and Homeland Security); a list of the damaged equipment is being compiled for possible funding.

Selectman Lyden commended him on his handling of the storm events.

First Selectman Chmielewski also thanked him and his team for their preparations and handling of the storm events.

d. RECREATION COMMISSION

The Commission has been busy preparing its proposed budget request for the next fiscal year and planning their events and activities for the new year.

e. BOARD OF FINANCE

The Board of Finance is in the process of reviewing the Capital Requests. He thanked Executive Assistant Alesha Brothers, Finance Specialist Lisa Jablonski, and Finance Assistant Meliza Jimenez for organizing the materials and Selectman Lyden for acting as the Liaison.

a. Board of Education Non-Lapsing Account Response from CCM – *no discussion*

f. BOARD OF EDUCATION (BOE)

Selectwoman Munro reported that the Superintendent submitted his initial FY2024/25 Proposed Budget for review. Other items of note included the locking in of the cost for heating fuel, the continued volatility of the special education numbers, the issuance of a request for early notice of staff retirements, the expected increase in student enrollment numbers for the next school year, and the status of the transportation bid process.

g. PLANNING AND ZONING COMMISSION – *no update*

h. ECONOMIC DEVELOPMENT COMMISSION

The Economic Development Commission is making plans for the new year, including the publication of a revised Business and Services Directory.

i. LIBRARY – *meeting to be held next Tuesday, January 23*

j. TVCCA (Thames Valley Council for Community Action)

Selectwoman Munro reported that TVCCA will be meeting on January 23 when she expects to be re-appointed to the Board by the Board of Directors, along with other members, per their By-laws.

6. ADJOURNMENT

M/S/C: Lyden/LaBonte, to adjourn the meeting at 9:46 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.