



## Gardner Lake Volunteer Fire Co.

429 Old Colchester Road  
Salem, Connecticut 06420  
(860) 859-1743

June 7, 2021

Board of Selectman  
Town of Salem  
270 Hartford Road  
Salem, CT 06420

RE: Cancellation and Failure to Renegotiate Agreement by and between the Town of Salem and the Gardner Lake Volunteer Fire Company, Inc.

Dear Sir or Madam,

On September 1, 2020, the Town of Salem, acting through its Board of Selectman, voted to terminate the February 6, 2006, Emergency Services Agreement with Gardner Lake Volunteer Fire Department, Inc. As the meeting was virtual, and the public were unable to attend, and the vote followed an Executive Session, there is no information provided as to why this action was taken. Requests for this information, both in writing and verbal, have gone unanswered.

The members of the Gardner Lake Volunteer Fire Company, Inc., are very concerned about the lack of agreement and the potential impact to the ability to respond to calls, the liability to the Town, and the liability to the Taxpayers. We submit for your consideration, the following:

1. EMS Billing

The reason the February 6, 2006, Emergency Services Agreement was necessary, in our understanding, was due to changes made on the State level for ambulance billing either having to do with Medicare or Paramedics. If this lack of written agreement impacts our ability to bill for ambulance services to Medicare or Paramedics, that is a problem that would need a very quick resolution and could potentially render Gardner Lake Volunteer Fire Company unable to function due to the lack of payment.

It is our understanding that the Town's position is the agreement does not impact Ambulance Services, and that we are free to bill patients 100% for services under the Ambulance. However, the Agreement that was cancelled clearly did cover the Ambulance services, as stated in the very first numbered paragraph "The Town and the Fire Company do mutually agree that the Fire Company will, to the best of its ability, continue to provide the Town with adequate **fire protection and ambulance services.**"



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The second numbered paragraph continues and states "The Town and the Fire Company do further mutually agree that the Town shall continue to **appropriate sufficient funds to the Fire Company for the operation, maintenance and purchase of equipment**, based upon an estimated annual budget prepared by the Fire Company and submitted to the Town, subject to the approval by the Salem Board of Finance and the Salem Town Meeting."

### 2. Response to Non-EMS emergencies

As First Responders, our Fire Fighters are there to respond when called upon, as demonstrated in the June 1, 2021, 3:30 a.m. Round Hill Road fire. The volunteer turnout from Gardner Lake's qualified personnel who responded, and with the appropriate apparatus, ensured the Town of Salem was compliant with its statutory obligation to provide fire protection services to its residents and taxpayers, and saved a family's home.

The termination of this agreement, for unknown reasons, could potentially affect our ability to respond to emergencies (either fire or ambulance) and could potentially affect the Town of Salem's liability insurance, vehicle insurance, worker's comp insurance, etc., for the paid staff and the volunteers, as well as impact taxpayer's liability, homeowners, and vehicle insurances. Business owner liability insurance and operating costs would significantly increase should the Town not be able to meet its statutory requirement to provide ambulance and fire protection services.

### 3. Funding/Budget

The taxpayers of the Town of Salem have approved a budget for the coming fiscal year which supports the Gardner Lake Volunteer Fire Company, Inc. However, the cancellation of the agreement may cause some audit and budgetary issues for the Town of Salem, and therefore, its taxpayers, in this regard. Auditors typically require a proper trail, and the taxpayers may wish to see where the funds they approved be spent supporting Gardner Lake Volunteer Fire Company, Inc., have been spent, and why they have not been spent where they voted them to be spent.

### 4. Town and Taxpayer Liability, Insurance and Public Safety

The lack of agreement and potential affect create a massive liability and public safety risk on the part of the Town of Salem. The members of the Board of Selectman knowingly put the town, and subsequently, the taxpayers in this position, by cancelling the agreement without cause, and failing to negotiate a new agreement. When you buy



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homeowners insurance, they ask you where the nearest fire station is, where the nearest fire hydrant is, etc.

The Town of Salem's insurance carrier's may also require an Agreement, as in the Liability and Vehicle insurances, CIRMA, the Worker's Comp and such that covers the volunteers if they are injured, or for wrongdoing, the insurance on our building, etc.

The taxpayers of the Town of Salem elected you as officials to provide the appropriate protection and their public safety. The disregard for the liability exposure to the taxpayers and the disregard for their public safety, is equivalent to a criminal act of negligence for which all Board of Selectman members should be held accountable. As elected officials, this is gross negligence. It is a disastrous public safety risk should there be any kind of public emergency such as a structure fire, major accident, EMS call, etc.

### **5. Return of Equipment/Failure to provide Fire Protection**

As members who respond and as taxpayers, Gardner Lake Volunteer Fire Company, Inc., members are most concerned because the terms of the cancelled contract require, we cooperate with the return of apparatus on June 30 to the Town of Salem, with keys to all the firefighting trucks should you request it. According to that agreement that is what is supposed to happen. We have not heard anything from the Town of Salem about a new contract, negotiation, proposal, etc., or whether you are going to demand the return of the equipment, and we are only 26 days from this deadline.

The state statute requires the town provide emergency and fire protection services. Both services are currently being provided by Gardner Lake Volunteer Fire Company, Inc., one volunteer agency, which the Town of Salem has attempted to defund, has cancelled their agreement with, and has failed to cooperate with. There is a reasonable value to the Town of Salem for this service that we are providing. There is an in-fact agreement, for which we are not being compensated.

The members of the Gardner Lake Volunteer Fire Company, Inc., feel it is in the best interests of the members, and in the best interest of the taxpayers, for fire and ambulance protection, to resolve this issue in a timely manner before July 1, 2021.



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The Board of Selectman have done nothing and have been unwilling to meet to resolve this issue. It is to the detriment of ourselves, and our fellow residents, that the Board of Selectman act responsibly to protect the citizens of the Town of Salem, as we do, and meet as soon as possible to enact an agreement.

We look forward to hearing from you prior to June 14, 2021, to arrange a date and time to discuss. Should there be no effort to resolve this in a timely manner, the Gardner Lake Volunteer Fire Company, Inc., will take all appropriate steps and provide appropriate public notices to protect the health and safety of the Citizens of the Town of Salem.

Sincerely,

Pete Silva, Chief  
Gardner Lake Volunteer Fire Company

Cheryl Philopena, President  
Gardner Lake Volunteer Fire Company

cc: Ed Chmielewski  
Hugh McKenney  
Ronald Labonte  
Sue Sullivan  
TJ Butcher, Chairman, Salem Democratic Town Committee  
Vernon Smith, Chairman, Salem Republican Town Committee  
Brian K Estep, Attorney