

**MINUTES OF THE SPECIAL MEETING OF THE WARDEN AND BOARD OF BURGESSES ON
THURSDAY JULY 23, 2020
4 NIBANG AVENUE, FENWICK**

A Special Meeting of the Warden and Board of Burgesses was held on Thursday July 23, 2020 at 4 Nibang Avenue, Fenwick. Notice of the meeting was posted in a timely manner on the Fenwick kiosk and on the website.

PRESENT: Warden Newt Brainard, Frank Keeney, Julie LeBlanc, Pam Christensen, Ann Pulver, Art Wright, Jonathan Gengras, General Manager Jeff Champion, and Zoning Enforcement Officer/Land Use Administrator Marilyn Ozols.

MEMBERS OF THE PUBLIC: Several members of the public were in attendance.

The Warden called the Meeting to Order at 4:30PM.

Approval of the Minutes

A Motion was made by Frank Keeney, seconded by Pam Christensen, to approve the June 4, 2020 Minutes as presented.

PASSED UNANIMOUSLY.

Floor Opened for Public Comment: The Warden read the attached correspondence from Robert Boody into the record. The Warden asked the General Manager to remind the beach monitor / lifeguards to wear masks when closer than 6 feet to another individual. He added he would email residents reminding them to follow proper mask and distancing protocol, and requesting that residents/renters arriving for August from high-risk areas self-quarantine for 14 days, or have a negative COVID-19 test, as specified by Governor Lamont.

Nancy Haviland commented that the mature height of the proposed bayberry plantings approved for the dune restoration project would be significantly higher than the estimate provided by the engineer, thus affecting the views from her home as well as the views from the golf course and other Fenwick homes. She requested that engineers stake out the height estimate so residents could see the potential impact on views and she also asked that other plantings be considered, e.g. the Carolina rose. There was discussion of the dunes and plantings. Art Wright commented that the Planning & Zoning Commission had considered the height of the plantings as well as the public input. Laurie Goldsmith agreed with Nancy Haviland's comments and suggestions and stated that she supported dune restoration that was sensitive to homeowners' concerns regarding views. Rick Neely agreed that the area should be staked out, as he was skeptical of the engineers' height estimates. Marilyn Ozols stated that lower-height plantings could be substituted as long as they would not endanger the DEEP and Army Corps of Engineers permits. Andy Fisk, of the Connecticut River Conservancy (CRC) stated that there are other, lower-growing species of plants that have the deep root structure required for the project and that additional research would yield good alternatives.

The Warden asked for such research and stated the Borough should do its best to make sure views aren't blocked. Pam Christensen stated that the Lynde Point Land Trust (LPLT) would be meeting Friday, July 24th and that she would ask them to consider all of the homeowner comments regarding the plantings.

Penfield Jarvis asked if there was a plan regarding reforestation of Lynde Point. Trees, especially cedar trees, are growing fast and taking over. He commented that when his family first came to Fenwick, the area at the point was all grass and now there are numerous trees. The Warden said he would assess the area.

Hepburn Dune Funding – Presentation by Andy Fisk: Andy Fisk of the CRC provided some background on the Hepburn Living Shoreline Project and how the CRC handles fundraising, permitting, contracting and implementation of such projects. He reported that the project could begin after Labor Day, with funding provided from various sources and foundations as well as matching funds. He stated that private foundations as well as government grants require significant community investment in such projects as a condition for their funding. He requested \$25,000 from the Borough and stated that would leave just \$75,000 to be raised from other sources. There was brief discussion of the request, the project and its timeline. Andy Fisk stated the major dune work should be complete by the end of 2020 and the plantings would be completed in March and April, 2021. Art Wright clarified that the Fenwick Improvement Fund (FIF) pledged to match up to \$25,000 of what the Borough provides for the project. Bob Gay commented that, as this is an infrastructure project and the FIF is really for recreational improvements, this should be more of a Borough project. Frank Keeney thanked Andy Fisk for his tireless efforts. The Warden echoed the sentiment and recommended that the Borough provide \$25,000 in addition to the funds it has already provided.

A Motion was made by Pam Christensen, seconded by Ann Pulver, to approve a \$25,000 expenditure/donation for the Hepburn Dune Restoration Project.

There was brief discussion of the Motion.

PASSED UNANIMOUSLY.

General Manager's Report

General Manager Jeff Champion (GM) provided his report to the Warden and Burgesses prior to the meeting. The GM stated he would provide his year-end report by the next Burgess meeting and he discussed the following items:

The Budget was projected to have \$49,000 in contingency monies. As of 7/23/20, there is \$224,025 in contingency monies, mainly due to increased golf revenue and building permits.

-4 Nibang Avenue – Phone/Internet Service: GM is working with Founders Technology on the phone/internet system which would include appropriate speakers and microphones. The initial investment for equipment and wiring would be \$3,605. Depending on the support services required, there could be additional monthly fees. The system could be

expanded over time to include additional desired features. There was brief discussion. The Warden stated that today's discussion is mainly informational and that this item would be on the agenda for the August Burgess meeting. The GM said he would refine and update the information/proposal before then.

-Club Prophet Systems (CPS): Overall, the system works great, though there are some issues with system operators. The Warden said that would be addressed at later date.

-Park/Beach Monitor: The addition of a beach monitor has had a positive effect. Residents should call or text the GM if there are any problems or issues that the beach or park monitor needs to address. Ginny Frelinghuysen requested that the monitors wear masks when they approach people within 6 feet. The GM said he would remind them to do so. Pam Christensen commented that she has heard many positive comments regarding Pete, the Park Monitor, and that he is making a real difference. She strongly urged the Burgesses to consider expanding his hours if at all possible. The Warden endorsed such an increase. He added that further expenditure on the park/beach monitor was not on the agenda, but that hours could be increased now, with a vote in September to allocate additional monies if necessary. The Warden emphasized the importance of enforcing access points and the issue of restricting the public from accessing Borough amenities without paying the required fees. He stated that, while the golf course, tennis courts and beach are open to the public, the public may only access these areas if they have paid. Borough residents and renters pay significant amounts in taxes and recreation fees, and the public must pay their share if they wish to utilize Borough recreational areas.

-Request of Shoreline Ladies Golf League (SLGL): The GM received a request from the SLGL for a coded door handle for the restroom door at the Borough Office so that the SLGL members could have access to the restrooms. The GM i denied the request, and was then asked to present it to the Burgesses. The Warden stated that the restrooms are closed to the public due to the pandemic. The GM added that there is a high-risk staff member that he must consider. Frank Keeney suggested an alternative of upgrading the portable toilet and having it cleaned more frequently. The Warden commented that this is a short-term situation and as soon as the Governor's guidelines allow for reopening the public bathroom, it would be opened.

Treasurer's Report – Treasurer Bob Gay reported that the operating surplus from this past year would end up around \$225,000. There is also \$154,000 in the reserve account. The Warden stated the rebuild of the entrance is moving forward and he has asked Atty. Campbell Hudson to weigh in on the bid process. Geoff Jacobson, the engineer, will take the project to bid in early or mid-August. The Treasurer asked to be kept informed on the progress and project.

Board, Commission and Committee Reports

Burgesses' Request for \$25,000 from FIF for Further Tee Leveling: Frank Keeney proposed that the Burgesses request \$25,000 from FIF to continue the tee leveling project.

**A Motion was made by Jonathan Gengras, seconded by Julie LeBlanc, that the Burgesses request \$25,000 from the Fenwick Improvement Fund (FIF) to match the \$25,000 allocated in the Borough budget for the second year of the 3-year tee leveling project.
PASSED UNANIMOUSLY.**

Harbor Management Commission Vacancies and Expirations: Jonathan Gengras reported that Gordon Jones has agreed to fill the vacancy of the regular member. He added he would be looking for someone to fill the vacancy of the alternate.

**A Motion was made by Jonathan Gengras, seconded by Pam Christensen, to appoint Gordon Jones to a 5-year term on the Harbor Management Commission.
PASSED UNANIMOUSLY.**

Planning & Zoning Commission: Art Wright reported that the Commission discussed the dune project and the Borough entrance project at its recent meeting. Both projects were approved.

Concerns Committee: Pam Christensen reported the Committee recently met with the Warden regarding his discussions with the Old Saybrook First Selectman and Police Chief regarding the Borough constable position. The Committee hopes to move forward with the job posting and search ASAP.

There are 23 Fenwick golf cart flags still available. Thanks to Peter Duncan for underwriting the project.

Historic District Commission (HDC): Pam Christensen reported on the HDC Memorandum regarding the new fee schedule which was distributed to the Burgesses prior to the meeting. She commented that the fees have been scaled to the value of the project and a \$50 fee has been added for projects valued at less than \$500. There was brief discussion of the fee schedule.

**A Motion was made by Frank Keeney, seconded by Pam Christensen, to adopt the proposed Historic District Commission fee schedule as presented, effective immediately.
PASSED UNANIMOUSLY.**

Hammer Law: Marilyn Ozols reported that the purpose of the Hammer Law is to stop the annoyances, noise and other disturbances caused by large trucks and commercial vehicles and working on residents' property during the summer months. There was discussion regarding specific wording of the law. Ozols stated that if the Burgesses are ready to move

forward with changes to the Hammer Law, a public hearing is required. Debbie Neely commented that there appear to be workers being dropped off at the Zubretsky property in the very early morning hours to perform work in violation of the Hammer Law. Ann Pulver reported seeing delivery of kitchen countertops. Ozols stated that deliveries were allowed. Pulver commented that installation of countertops is not allowed. The Warden requested a public hearing at the next Burgess meeting, with a copy of the proposed ordinance to be distributed before the meeting.

Policy and Vetting Process for Memorials: Ann Pulver distributed a summary of previous discussions of Borough policy regarding memorials. The Warden thanked Pulver for the summary and stated it was a good starting point from the previous discussions but it needs further discussion by the Burgesses and refinement. There was brief discussion of the summary and of memorials in general. Pam Christensen suggested drafting a "wish list" for potential donors. Ann Pulver asked the Burgesses to share their thoughts and suggestions and she would refine the summary/proposal.

Appointment of Chairman of Borough Nominating Committee:
A Motion was made by Frank Keeney, seconded by Jonathan Gengras, to appoint Duby McDowell as Chairman of the Nominating Committee which will assemble a slate of candidates for the 2021 Borough elections.
PASSED UNANIMOUSLY.

Warden Report:

-Keeney Bench: The Warden asked Frank Keeney to discuss the bench. Keeney stated that there is presently a bench at the first hole with a plaque in memory of Lafayette and Janet Keeney. He and Beverly Keeney would like to place a plaque on the bench on the back tee of the first hole with a plaque saying "Emily's Bench" and they would assume responsibility for repair and/or replacement of the bench as necessary.

A Motion was made by Julie LeBlanc, seconded by Ann Pulver, to allow Beverly and Frank Keeney to place a plaque on the bench on the back tee of the first hole designating it as "Emily's Bench" in memory of their daughter, Emily Keeney, with Beverly and Frank Keeney responsible for funding a replacement bench when/if necessary.
PASSED UNANIMOUSLY.

The Warden reported that he met with Old Saybrook First Selectman Carl Fortuna and, subsequently, Old Saybrook Police Chief Michael Spera, regarding the constable position. The Warden stated that the First Selectman had no problem with the Borough hiring a constable. There was a longer discussion with the Police Chief. The Chief communicated to the Warden that the OSPD is available to help the Borough at any time, and that Borough residents already pay money for Town police services and they shouldn't have to spend more on a constable when the Town can provide all needed services. The Warden expressed that residents couldn't realistically call the OSPD for every minor incident, or the OSPD would be inundated with calls.

Chief Spera asked the Warden to return to the Burgesses and relay that the OSPD stands ready to help the Borough handle any problems. Chief Spera also stated that he isn't sure it is legal for the Borough to hire a constable. The Warden replied that the Borough attorney has confirmed that the Borough has the right to hire a constable and the Warden respectfully declined to engage in a legal debate with the Chief.

Bob Gay commented that perhaps the Borough hasn't been utilizing the OSPD effectively. He added that if a constable were to "misbehave", the Borough would be liable. There was brief discussion. The Warden stated he would communicate to the First Selectman and the Police Chief that the Borough intends to move forward with the hiring of a constable.

-Signage/Access: There has been much discussion recently on social media regarding signage and public access in the Borough, specifically with regard to Wilson Avenue and Old Fenwick Road. The Warden has sent the First Selectman information regarding ownership and access of these areas.

Frank Keeney commented that these issues, which are legal questions, require better municipal legal representation than what the Borough currently has. He advised that the Burgesses move as quickly as possible to obtain more responsive legal representation. Art Wright suggested hiring a junior associate to handle smaller, "transactional" legal matters.

Next Meeting: Thursday, August 27, 2020 at 4:30 p.m. Outdoor, socially distanced meeting weather permitting; otherwise, virtual meeting via Zoom.

**There being no further business, a Motion was made by Frank Keeney, seconded by Jonathan Gengras, to adjourn the meeting at 7:02PM.
PASSED UNANIMOUSLY.**

Respectfully submitted,

Suzanne M. Stanners

July 22, 2020

I request that this be read during the open forum and entered in the minutes of the Burgess Meeting Thursday July 23, 2020. I would appreciate confirmation of your having received this.

To the Warden and Board of Burgesses of the Borough of Fenwick,

At this time I would like to make known my thoughts concerning the Borough of Fenwick's approach to addressing the obvious threat of the Covid 19 pandemic in our community.

The State of Connecticut fortunately, unlike most states, has had intelligent leadership that has put in place protocols for our towns and cities to follow in order to get through this threat that the virus presents. One of the reasons we in the State of Connecticut find ourselves in a favorable situation is because communities for the most part are cooperating and following the rules and guidelines set up by the Governor.

It's apparent that the wearing of masks and social distancing seem to be the most affective way to deal with stopping the spread of the virus. It appears that the surrounding beach towns have all posted and enforce rules to follow while at the beach. Now the town of Old Saybrook (Police Dept) has posted such a sign at the Fenwick beach. The sign board with the COVID 19 Beach Rules presents itself as you walk into the beach area, but the word must be out that the rules don't apply to us in Fenwick. I was told that those are the rules however "it's up to each individual family as to whether to abide by them. So this means that anyone following the rules is necessarily put at risk by those that don't. I enjoy going to the beach each day however I find that I'm the only one wearing a mask and even attempting social distancing. I'm told that the young man who sits at the entrance to the beach to monitor those coming in is required to wear a mask but does not.

I would appreciate it if the Warden and the Board would consider what I've said and come up with some sort of intelligent and workable solution.

Most Sincerely,
Robert Boody