

**MINUTES OF THE SPECIAL MEETING OF THE WARDEN AND BOARD OF BURGESSES ON
WEDNESDAY APRIL 29, 2020
VIRTUAL MEETING, 2:00 PM**

A Special Meeting of the Warden and Board of Burgesses was held using the Zoom meeting format on Wednesday, April 29, 2020. Notice of the meeting was posted in a timely manner on the Fenwick kiosk and on the website.

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

MEMBERS OF THE PUBLIC: A number of members of the public were also in attendance via Zoom.

The Warden called the Meeting to Order at 2:01PM. Zoning Enforcement Officer (ZEO) Marilyn Ozols gave a brief tutorial on use of the Zoom format.

Approval of the Minutes

A Motion was made by Pam Christensen, seconded by Ann Pulver, to approve the March 5, 2020 Minutes with one correction, adding Pam Christensen to the list of those present. PASSED UNANIMOUSLY.

The Warden requested a moment of silence in memory of Kevin Dubay.

Floor Opened for Public Comment: Kathy Rehm asked if the Warden and Burgesses had formulated a plan for dealing with the Covid-19 pandemic as the summer approaches. The Warden replied that, in general, it makes sense for the Borough to follow Governor Lamont's guidelines and that he would discuss the matter further during the Warden's Report. Frank Keeney added that he has asked Ray Allen, the Director of Old Saybrook Park and Recreation (OSPR), that Frank Keeney be included in OSPR meetings, memos and emails regarding OSPR's response to the pandemic. Ann Pulver asked how the Borough might handle private events. The Warden responded that that matter is later on the Agenda. Pam Christensen asked how short-term rentals would be handled. The Warden replied that he would remind residents of the Governor's executive order regarding short-term rentals, but that enforcement of the order is not up to the Borough.

Concerns Committee Report Discussion

The Warden allowed the Concerns Committee to discuss their report earlier than stated in the Agenda, as several Committee members would have to leave the meeting early.

Charlie Millard reported on behalf of the Concerns Committee. The Committee has met many times regarding security, the beach, traffic, control of roads, etc., and has reached several

conclusions: (1) A gate should be installed on Wilson Avenue. (2) The Committee has no recommendation at this time regarding whether the beach could be in an association. (3) The Borough should control the roads.

For many decades, Fenwick residents have considered the questions of how to control the roads, how to have less traffic on the roads, and/or closure of the roads to outside traffic during certain events. The Committee has hired Attorney Mike Zizka to advise on how the Borough might gain control of the roads. Atty. Zizka has advised the Committee that the Burgesses could appoint a constable, which would constitute a police force, and the Warden would consequently be the traffic authority. This approach could be challenged but the challenge probably wouldn't stand. The Committee is requesting that the Burgesses appoint a constable before Summer 2020. A "senior" park monitor could be the constable. The roads would not be closed to outside traffic all the time, but the process of getting the roads under Borough control should start now.

Concerns Committee member J.D. Rehm stated that the Borough could have a part-time constable which, according to the Committee's research, would cost approximately \$30-\$40 per hour. Based on a 30-hour week for 16 weeks at the \$40 rate, the total cost would be approximately \$20,000. The annualized amount would be approximately \$65,000. He added that Frank Keeney might have some insight on the matter due to his service on the Old Saybrook Police Commission.

The Warden stated that if the Borough attorney and Attorney Mike Zizka advise that this approach to control of the Borough roads is legal, then the Warden agrees that it is worth considering. The Warden added that he would not want to hire a constable until he receives explicit approval from the attorneys.

J.D. Rehm stated that the Committee has discussed the matter with Borough Attorney Campbell Hudson and Attorney Mike Zizka and they are on the same page. Attorney Zizka has advised that there are some legal vulnerabilities but that it is legally defensible.

Charlie Millard added that though there may be technical legal questions that theoretically could be challenged, realistically, the Committee does not think such questions will be raised. The aim now is to establish a legal foundation for Borough control of the roads, not to aggressively exercise such control.

There was brief discussion of the matter.

A Motion was made by Pam Christensen, seconded by Ann Pulver, that the Burgesses hire a part-time constable allowing the Warden to be the Traffic Authority for the Borough and adopt an ordinance outlining control of Borough roads with an expenditure of up to \$25,000.

There was brief discussion of the Motion.

IN FAVOR: Pam Christensen, Ann Pulver, Jonathan Gengras

OPPOSED: Julie LeBlanc, Art Wright, Frank Keeney, Warden Newt Brainard

ABSTAINING: None

MOTION DENIED 3-4-0

A Motion was made by Pam Christensen, seconded by Jonathan Gengras, that the Burgesses hire a part-time constable allowing the Warden to be the Traffic Authority for the Borough and adopt an ordinance outlining control of Borough roads with an expenditure of up to \$25,000, pending review by Campbell Hudson and approval of job description of the constable.

There was brief discussion of the Motion.

IN FAVOR: Pam Christensen, Ann Pulver, Jonathan Gengras, Julie LeBlanc

OPPOSED: Art Wright, Frank Keeney

ABSTAINING: None

MOTION CARRIED 4-2-0.

General Manager's Report

General Manager (GM) Jeff Champion provided his report to the Burgesses prior to the Meeting.

The Warden commented and outlined the disruption to Borough operations due to the pandemic. He and Frank Keeney praised the GM, the ZEO, the Superintendent and the staff for their heroic efforts to adapt to the Governor's orders, while at the same time opening up for the season.

The GM then discussed the following items:

-Club Prophet Systems (CPS): Due to the pandemic, use of the new system has been postponed.

-Office Transition: Atlantis Building has installed a partition in the office.

-Pier: The pier has been patched and will be painted but the big repair job is on hold.

-Playground: The new equipment was supposed to be shipped last week. The Superintendent is in communication with the company.

-Internet/Phone Service at 4 Nibang Ave.: Internet has been installed. Once the stay at home orders are lifted, the IT company will make an onsite visit to address phone and other IT issues.

-Borough Parking Lot Entrance: Boulders have been placed at the driveway closest to the causeway. There are now only two entrances to the office lot.

-Former Employee Claim: Nothing to report except that the GM has been in touch with the Borough's labor attorney.

The GM also reported that the tennis courts should be open by Memorial Day. He added that the golf course was recently aerated and is in good shape. The course has been busier than it is in mid-summer which has made staffing a challenge. Five new employees have been hired due to older members of the staff self-quarantining.

The Warden commented that the GM has been logging significant hours in the starter shack and has been working close to 7 days a week.

Jonathan Gengras thanked the GM for his hard work in this very challenging environment.

Treasurer's Report

The GM noted that the financial report has not been completed due to circumstances related to the pandemic and staffing. He added that Treasurer Bob Gay was unable to attend today's meeting.

The GM stated that the Borough is in fine shape financially. Revenues have been higher than usual for this time of year and, overall, expenditures are in check. He added that the Budget would be distributed at a later date for a more focused meeting. The Warden commented that the Governor's order alleviates the requirement for a town meeting to pass the budget. He asked that a draft budget be distributed to the Burgesses next week, prior to a Zoom meeting in the next 2 weeks.

Frank Keeney commented that the GM has received requests for refunds from homeowners who had scheduled short-term rentals. Such refunds total \$1,900 so far. He added that residents have also inquired about Playclass but it is too early to know how that will be handled.

Board, Commission and Committee Reports

-Planning & Zoning Commission (P&Z): Art Wright reported that the last P&Z meeting was in January 2020. There are a couple of pending applications. The ZEO commented that the P&Z would meet at a later date to hear applications for the living shoreline project and the Borough entrance project. Art Wright stated there are 2 expirations on the Planning & Zoning Commission.

-Harbor Management Commission: Jonathan Gengras stated there was nothing to report. The Warden asked Jonathan Gengras to speak with Wayne Arute and Christopher Jones regarding their desire to continue on the Commission and Charlie Renshaw, chair, about his recommendations in order to have candidates at the next Burgess meeting. Frank Keeney volunteered to serve on the Commission.

-Historic District Commission (HDC): Pam Christensen stated she would talk to Matthew Myers and Susan Webster to see if they wished to continue on HDC and that she would report back to the Burgesses.

-Park Commission: Frank Keeney reported that Robyn Gengras, Margaret Wade and Bob Gay would like to continue on the Park Commission; Greg Millard does not wish to continue after his term expires. He added that he would have suggestions for a replacement for Greg Millard at the next Burgess meeting.

Frank Keeney stated that the GM has in the budget a \$25,000 request for 2021 for the next phase of the tee project. It is hoped that FIF will match funds for year 2 of this 3-year project. Frank Keeney also expressed his gratitude to the GM and the entire golf course staff for their hard work keeping the Borough going and the golf course open and generating golf course revenue during these very challenging times.

-Zoning Board of Appeals (ZBA): Ann Pulver stated that she believes the worksheet regarding vacancies is not accurate. She believes that Peter Brainard is still on the ZBA but that Kathy Berluti is not. The Warden asked Ann Pulver to talk to Bob Gay and also to ask Laurie Goldsmith if she wishes to continue serving.

-Policy regarding approved use of Borough property: Ann Pulver suggested that the Warden send out an outline of what the Governor has required and specifying what the Borough can and cannot allow regarding use of the tennis courts, beach, etc. Frank Keeney commented that he doesn't foresee things getting stricter and that currently, Old Saybrook hiking trails, parks and playgrounds, tennis courts, pickleball courts, and beaches are all open. Indoor OSPR activities have been canceled but outside facilities are still open.

The Warden stated that the fundamental upcoming issues for the Borough would be weddings, Playclass, large gatherings, and Member-Guest. He has spoken with Richard Chmiel and they agree that a decision regarding Member-Guest will probably be made in the next 30-45 days. Particulars regarding these matters will be addressed as summer gets closer. The Warden stated he believes that some of the Governor's current restrictions may be loosened in the coming weeks.

Jonathan Gengras suggested advising residents that the Borough will follow State and, possibly, Town guidelines. Ann Pulver stated that Fenwick has many residents and visitors who travel back and forth between the Borough and Boston, New York, etc. and that this fact

could complicate things. The Warden agreed. He added that the Borough would follow the Connecticut guidelines and address the issues that are unique to the Borough. Frank Keeney suggested making a list of those unique issues. He also suggested canceling the residents meeting usually held on Memorial Day weekend. The Warden agreed with the suggestion.

Ann Pulver requested that the Warden or the Borough advise residents that there will be a decision regarding Member-Guest in 30-45 days.

Frank Keeney asked for an update on the Ryder wedding. The ZEO reported that of the 3 weddings planned in the Borough in the coming months, 2 of the 3 are already considering changing the dates. They have asked if they need to submit new applications or simply request a change in the date. The ZEO has not yet heard from the Ryders. Frank Keeney stated that if the Ryder wedding violates the Governor's order it cannot be allowed on Borough property. The Warden agreed.

Julie LeBlanc stated that she believes social distancing is going to last through the summer, which means that large gatherings will not be encouraged, in general. She added that the Borough should be very careful regarding Member-Guest, especially with houses full of people and people moving in and out of the community.

The Warden stated that his recommendation regarding Member-Guest is to give it a couple of weeks before a decision is made.

Art Wright asked that it be conveyed to those scheduled to have their weddings in the coming months that if the State does not allow large groups that the Borough will not allow the use of Borough property. He also suggested postponing Member-Guest for one year, even if the State does allow large gatherings this summer.

-Generator for Borough Office: The GM stated that the Borough has the opportunity to acquire a used 20kW generator for the Borough office. The Warden endorsed the idea. The GM is working with Jack Lamb, an electrician, to get a price and handle the logistics. The generator should be available some time in June. The GM stated that the generator has about 300 hours on it. It has only been used seasonally and for self-testing. Frank Keeney stated he also endorses the purchase.

**A Motion was made by Frank Keeney, seconded by Art Wright, to approve an expenditure of \$7,500 to purchase and install a 20kW generator at the Borough office with necessary access including propane lines.
PASSED UNANIMOUSLY.**

-Borough Entrance Reconstruction: The Warden stated the design for the entrance has been completed and sent to the CT DOT for approval. Planning and Zoning needs to approve it and the work would be done in the fall.

Other Business: Pam Christensen asked if there has been any progress regarding the Gilhool request for road transfer. The Warden replied that he asked Attorney Campbell Hudson to prepare a resolution for vote at the next Burgess meeting.

Ann Pulver stated that the Rehm family would like to plant a garden in memory of Cynthia Rehm and asked what is the process for obtaining approval. The Warden asked for a specific proposal. Frank Keeney stated he would draft a proposal for the Burgesses to review and they would vote on it at the next meeting.

Next Meeting: Virtual meeting via Zoom, Monday, May 11, 2020 at 4:00 p.m.

Human Resources – Executive Session

A Motion was made at 4:07 p.m. by Jonathan Gengras, seconded by Ann Pulver, to keep the Burgess meeting open and move into Executive Session for the purpose of general human resources structure.

PASSED UNANIMOUSLY.

A Motion was made at 4:15 p.m. by Jonathan Gengras, seconded by Frank Keeney, to adjourn from Executive Session.

PASSED UNANIMOUSLY.

There being no further business, Motion was made by Jonathan Gengras, seconded by Frank Keeney, to adjourn the meeting at 4:15 p.m.

PASSED UNANIMOUSLY.

Respectfully submitted,

Suzanne M. Stanners